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ACTS
OF THE
Department of Education
Province of Ontario
1927

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ACTS

of the

Department of Education

Province of Ontario

Revised Statutes of Ontario, 1927

With Amendments of 1928

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The Department of Education Act

Revised Statutes of Ontario, 1927
Chapter 322



ONTARIO
DEPARTMENT OF EDUCATION

TORONTO

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1928

The Department of Education Act.

R.S.O. 1927, Chapter 322.

GENERAL.

1. In this Act,—

- (a) “Department” shall mean Department of Education; Interpretation.
“Department.”
- (b) “Minister” shall mean Minister of Education; “Minister.”
- (c) “Registrar” shall mean Registrar of the Department; “Registrar.”
- (d) “Regulations” shall mean regulations made by the Minister and approved of by the Lieutenant-Governor in Council as provided by this Act. “Regulations.”
R.S.O. 1914, c. 265, s. 2, cls. (b-e).

2.—(1) There shall be a department of the Government of Ontario to be known as “The Department of Education,” which shall be presided over by the Minister of Education. Department of Education.

(2) The Lieutenant-Governor in Council may appoint a Deputy Minister of Education and a Registrar of the Department of Education. R.S.O. 1914, c. 265, s. 3. Deputy Minister and Registrar.

MINISTER OF EDUCATION.

3.—(1) The Minister shall have the administration and enforcement of the statutes and regulations respecting public schools, separate schools, kindergarten departments, supervised and outdoor playgrounds, consolidated schools, high schools, collegiate institutes, continuation schools, technical schools, school cadet corps, all departments of any such schools, night schools, school gardens, school libraries, public libraries, travelling libraries, library institutes and of all other schools sup- Powers of Minister.
Administration.

ported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established. R.S.O. 1914, c. 265, s. 4 (1).

Management of schools and institutions.

(2) The Minister shall have the management and control of model schools, normal schools, the college of education, teachers' institutes, summer and vacation schools and schools for the education of the deaf and dumb and the blind. R.S.O. 1914, c. 265, s. 4 (2); 1919, c. 73, s. 6 (2).

Appointment of inspectors, teachers and officers.

(3) The Minister may appoint such inspectors, teachers and officers for purposes of instruction, supervision and administration as he may deem expedient.

Prescribing duties of officers.

(4) Subject to the provisions of this Act and to the regulations, the Minister may prescribe the duties of the Registrar and of all other officers of the Department. R.S.O. 1914, c. 265, s. 4 (3, 4).

Regulations.

4. Subject to the provisions of any statute in that behalf the Minister, with the approval of the Lieutenant-Governor in Council, may make regulations,—

Schools, departments, etc.

(a) for the establishment, organization, government, courses of study, and examination of the schools departments, school cadet corps, school gardens, supervised and outdoor playgrounds, institutes and institutions hereinbefore mentioned;

Fees of candidates and students.

(b) prescribing the fees, if any, to be paid by candidates at departmental examinations, other than high school entrance examinations, and by normal and model school students;

Fees of examiners, etc.

(c) prescribing the fees to be paid to presiding officers and examiners in connection with departmental examinations and by whom and in what manner such fees and any other expenses in connection with such examinations shall be borne and paid;

Accommodation and equipment of school houses and grounds.

(d) prescribing the accommodation and equipment of school houses and the arrangement of school premises;

Textbooks and books of reference.

(e) authorizing textbooks for the use of pupils and of teachers in training attending such schools, departments, school gardens, corps, institutes and institutions, and books of reference for the use of teachers and pupils; R.S.O. 1914, c. 265, s. 5, cls. (a-e).

Medical and dental inspection.

(f) for the medical and dental inspection of pupils in public and separate schools under agreement between the local boards of health and school boards approved of by the Minister and by the Minister of Health; 1924, c. 83, s. 2.

- (g) for the management of public, travelling and school Libraries.
libraries and library institutes;
- (h) prescribing the qualifications and duties of inspectors, Qualifica-
tion and
duties of
teachers and
inspectors.
teachers and directors of such schools, departments,
corps, school gardens, supervised and outdoor play-
grounds, institutes and institutions;
- (i) for conducting the examinations prescribed by the Conducting
examina-
tions.
regulations and settling the results thereof;
- (j) for granting temporary, interim, special, permanent, Teachers'
certificates.
and renewed certificates of qualification to teachers;
- (k) for the payment of the superannuation allowances of Super-
annuation
allowances.
inspectors and teachers;
- (l) for the apportionment and distribution of all money Apportion-
ment of
legislative
grant.
appropriated by this Legislature for educational
purposes, including sums granted for public and
travelling libraries and the maintenance of his-
torical, literary and scientific institutions;
- (m) for the affiliation with any university in Ontario or Affiliating
certain
schools
with other
institutions.
with the normal or model schools of such collegiate
institutes, high schools, public schools or separate
schools as he may deem necessary for practical
instruction in the art of teaching;
- (n) for accepting such courses and examinations as he Accepting
courses and
examina-
tions in
pedagogy.
may deem adequate for the academic and profes-
sional training of teachers. R.S.O. 1914, c. 265,
s. 5, cls. (f-m).

5.—(1) It shall be the duty of the Minister and he shall Powers and
duties of
Minister.
have power,

- (a) to apportion all sums of money appropriated as a Apportion-
ment of
general
grant for
urban
schools.
general grant for urban public and separate schools
among the several cities, towns and villages accord-
ing to the population of each as compared with the
population of all the urban municipalities in On-
tario according to the last annual returns received
from municipal clerks;
- (b) to divide the amount so apportioned to each city, Division
between
public and
separate
schools.
town and village between the public and separate
schools therein, according to the average number of
pupils who attended such schools respectively dur-
ing the next preceding calendar year; R.S.O. 1914,
c. 265, s. 6 (1), cls. (a, b).
- (c) to pay, on or before the 1st day of August in each Payment of
grants to
public and
separate
schools.
year, the grants so apportioned to the boards of
public and separate school trustees upon the war-
rants of public and separate school inspectors, re-

spectively; R.S.O. 1914, c. 265, s. 6 (1), cl. (c); 1917, c. 27, s. 38.

Apportionment of special school grants.

- (d) subject to the regulations to apportion all sums of money appropriated as a special grant for urban public and separate schools among the several cities, towns and villages having regard to the value of the property liable to taxation for school purposes, the expenditure of the board upon education, and to such other considerations as in the opinion of the Minister, should affect such apportionment; 1924, c. 82, s. 2 (1).

Payment of special grant to public schools.

- (e) to pay, on or before the 1st day of August in each year, the grants so apportioned to the respective boards of public school trustees upon the warrants of the public school inspectors;

Payment of grants to separate schools.

- (f) to pay, on or before the 1st day of August in each year, the grants so apportioned to the respective boards of separate schools upon the warrants of the inspector of separate schools; R.S.O. 1914, c. 265, s. 6 (1), cls. (e, f).

Apportionment of grant for rural schools.

- (g) subject to the regulations to apportion all sums of money appropriated as a general grant for rural public and separate schools among such rural schools having regard to the value of the property liable to taxation for school purposes, the attendance at the schools, the expenditure of the board upon education, and to such other considerations as, in the opinion of the Minister, should affect such apportionment;

Statement to Assembly.

- (i) A statement showing the amount apportioned to every rural public school and to every separate school under clause *g* shall be laid before the Assembly within ten days after the commencement of the session held in the year next after that in which the apportionment takes place. 1924, c. 82, s. 2 (2).

Payment of grants to rural schools.

- (h) to pay, on or before the 1st day of August in each year, the grant so apportioned to the rural public and separate schools in counties, to the treasurer of the county, and through him, except when he acts as sub-treasurer also, to the township treasurers for payment by them to the boards of rural public and separate school trustees upon the warrants of the inspectors of public and separate schools;

Payments of grants to rural schools in districts.

- (i) subject to the regulations, to pay the grants so apportioned to rural public and separate schools in provisional judicial districts to the respective boards of trustees on or before the 1st day of

August in each year or in two equal instalments, the first on or before the 1st day of August and the second on or before the 1st day of December; R.S.O. 1914, c. 265, s. 6 (1), cls. (h, i).

- (j) subject to the regulations, to apportion and pay out of any money appropriated for that purpose grants for classes established under *The Auxiliary Classes Act* and amendments thereto; Grant for auxiliary classes.
Rev. Stat.
c. 324.
- (k) to appoint officers for the purpose of medical and dental inspection in public and separate schools throughout Ontario and to prescribe the duties of such officers, and to fix and pay their salaries, and to pay the travelling and other expenses of such officers and the expenses incidental to medical and dental inspection in public and separate schools throughout Ontario; 1919, c. 73, s. 2. Medical and dental inspection.
- (l) subject to the regulations, to apportion to public and separate school boards in poor rural districts and to the residents of lumber, mining and other settlements, and to any town or village in a provisional judicial district when the circumstances of the case appear to the Minister to warrant the same, all sums of money appropriated for assisted schools; R.S.O. 1914, c. 265, s. 6 (1), cl. (j); 1916, c. 24, s. 34. Apportionment of grants to assisted schools.
- (m) subject to the regulations, to apportion all sums of money appropriated for high school purposes among the several high schools of the Province, on the basis of the salaries paid to teachers, the character of the accommodation and the value of the equipment, after providing a minimum grant for each school which is equipped in accordance with the regulations, and notice of such apportionment shall be given to the county clerk of each county so that the county grant may be paid to the treasurer of the board of such school; R.S.O. 1914, c. 265, s. 6 (1) cl. (k). Apportionment of high school grant.
- (n) subject to the regulations, to apportion out of any money appropriated for such purposes all sums payable under any statute or regulation towards the maintenance of faculties of education in any of the universities, the normal, model or other schools or institutes for the training of teachers, continuation schools and fifth classes, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, supervised and outdoor playgrounds, night schools, public libraries, travel-

ling libraries, library schools including the expenses of students in attendance thereat, art schools, school libraries, art departments of schools, cadet corps, and for free textbooks, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes; R.S.O. 1914, c. 265, s. 6 (1), cl. (l); 1917, c. 27, s. 39.

Share of Ontario College of Art in grant for technical education.

- (i) For the purposes of this clause the Ontario College of Art shall be deemed a technical school and the Minister is authorized to pay out of any appropriation made for technical schools such sums as he may deem proper for the erection of buildings for the said college and for the maintenance and support of the college, and to apportion to the said college such share as he may deem proper of any aid received from the Government of Canada towards technical education. 1920, c. 99, s. 2.

Apportionment of grants for agricultural education.

- (o) subject to the regulations, to apportion all sums received by the Government of Ontario for the purposes of agricultural education from any other source than an appropriation by this Legislature among high schools, continuation schools and public and separate schools of the Province; R.S.O. 1914, c. 265, s. 6 (1), cl. (m).

Duties and powers of Minister.

Supervising examination boards.

- (p) to constitute supervising examination boards, and to appoint members thereof, and to prescribe the duties of such boards, and pay out of any moneys voted for that purpose, the salaries or other remuneration, and travelling or other expenses of the members of such boards; 1918, c. 51, s. 2, *part*.

Professional training schools.

- (q) to pay out of any appropriation for professional training schools the travelling and other expenses and such per diem allowance as may be fixed by the Minister for living expenses of students attending such schools whenever the Minister deems such payment necessary or desirable; 1918, c. 51, s. 2, *part*; 1919, c. 73, s. 3.

Grants to teachers of art, manual training and agriculture.

- (r) to pay out of such moneys as may be voted for that purpose, grants to teachers of art, music, household science, manual training and agriculture, and to define the basis on which such grants may be paid;

Medical and dental inspection in rural schools.

- (s) to apportion and pay out of such moneys as may be voted for that purpose, grants for medical and dental inspection in rural public and separate

schools and in public and separate schools in the territory without county organization; 1918, c. 51, s. 2, *part*.

- (*t*) to accept in lieu of the experience and the departmental courses and examinations prescribed for candidates for teachers' certificates such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto; R.S.O. 1914, c. 265, s. 6 (1), cl. (*n*); 1917, c. 27, s. 40 (1). Accepting other qualifications in lieu of departmental examinations.
- (*u*) to grant certificates of qualification as teachers and instructors in the Ontario School for the Blind and the Ontario School for the Deaf, to such persons as he may deem to be, from their experience and general attainments, qualified to receive such certificate; 1917, c. 27, s. 40 (2). Certificates, to whom granted.
- (*v*) to submit a case on any question arising under *The Public Schools Act*, *The High Schools Act* or *The Separate Schools Act*, or this Act, to a judge of the Supreme Court for his opinion and decision, or by the leave of a judge of such Court, to a Divisional Court for its opinion and decision; Submitting questions arising upon school law to Supreme Court. Rev. Stat. cc 323, 326, 328.
- (*w*) to determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and all appeals made to him from the decision of an inspector or other school officer; Power to settle disputes and complaints.
- (*x*) to suspend or cancel any certificate of qualification granted by the Department; Suspension or cancellation of certificate.
- (*y*) to appoint as a commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, with all the powers which may be conferred on commissioners under *The Public Enquiries Act*; and Power to appoint commissioners. Rev. Stat. c 20.
- (*z*) to report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient. R.S.O. 1914, c. 265, s. 6 (1), cls. (*o-s*). Annual report.

(2) The Minister shall so divide the sums appropriated for the purposes mentioned in clauses *d* and *g* of subsection 1 that out of each of them there shall be allotted to the separate schools a sum which bears the same ratio to the whole sum appropriated as the average number of pupils who attended such schools during the next preceding calendar year bears to the whole average number of pupils who attended both public and separate schools during that year, and that

Distribution of legislative grant between public and separate schools.

the residue shall be allotted to the public schools, and, subject to the regulations, shall apportion among the public schools the sums so allotted to them and among the separate schools the sums so allotted to them on the respective bases mentioned in clauses *d* and *g*.

Apportionment of grants for certain purposes.

(3) All money appropriated for any of the following purposes mentioned in clause *n* of subsection 1, that is to say:

- (a) fifth classes;
- (b) manual training, household science, art and agricultural departments;
- (c) school gardens;
- (d) kindergartens;
- (e) night schools;
- (f) free textbooks;
- (g) other educational purposes not specially mentioned in the said clause *n*;

which is applied for the purposes of primary education shall be allotted, divided and apportioned as provided by subsection 2.

Meaning of "primary education."

(4) "Primary education" for the purposes of subsection 2 shall mean education in the public or separate schools.

Disposal of surplus.

(5) Any part of the sums appropriated for the purposes mentioned in subsections 2 and 3, and allotted to the public schools as provided by subsection 2, which shall not be required to pay the amounts to which such schools shall be entitled on the respective bases mentioned in clauses *d* and *g* of subsection 1, shall lapse and become part of the Consolidated Revenue Fund, and in like manner any part of the sums allotted to the separate schools which shall not be required to pay the amounts to which such schools shall be entitled on the respective bases mentioned in clauses *d* and *g* of subsection 1 shall lapse and become part of the Consolidated Revenue Fund. R.S.O. 1914, c. 265, s. 6 (2-5).

Certificates of qualification to persons other than British subjects.

6. Notwithstanding anything in this Act or in any other Act contained, the Minister may, in his discretion, grant,—

- (a) a temporary certificate of qualification as a teacher to any person who, although not a British subject has applied for naturalization and whose application for naturalization is pending, where the Minister deems the employment of such person necessary for special reasons; or
- (b) a certificate of qualification as a teacher of French, Italian or Spanish to any person who is not a

British subject and who possesses the other qualifications prescribed by the regulations and who has served in the military or naval forces of Great Britain or any of her Allies during the Great War. 1919, c. 73, s. 4.

7.—(1) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, for and in the name of the Province, guarantee the payment of any debentures issued by a board of public school trustees or a board of separate school trustees or by a municipal corporation in a provisional judicial district for any school purpose for which such board or municipal corporation is authorized to issue debentures. 1921, c. 89, s. 3.

Guarantee-
ing pay-
ment of
school
debentures.

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council, and every guarantee given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever. 1920, c. 99, s. 3, *part*.

Form of
guarantee.

(3) Any debenture, payment of which is guaranteed on behalf of the Province of Ontario under this section, shall be valid and binding upon the municipal corporation or the board of school trustees as the case may be by which it is issued, and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed shall not be open to question on any ground whatsoever. 1925, c. 78, s. 2; 1927, c. 88, s. 2.

Validity of
guaranteed
debenture.

8. Notwithstanding anything in any Act contained fixing the rate of interest to be paid or credited to any school corporation by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a school corporation, the rate at which interest shall be allowed to, paid by, or credited to a school corporation, upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant-Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. 1926, c. 66, s. 2.

Fixing
current rate
of interest
on
debentures,
etc., held
by
Treasurer.

COLLEGE OF EDUCATION.

9.—(1) The Minister, with the approval of the Lieutenant-Governor in Council, may establish and conduct a college of education for the professional training and instruction of teachers and for that purpose may,—

Establish-
ment of
college of
education.

Powers of
Minister.

- (a) acquire by purchase or otherwise, or expropriate any lands, buildings or other real or personal property which he may deem necessary;
- (b) establish, erect and maintain all buildings, and provide such equipment, plant and appliances as he may deem expedient;
- (c) appoint officers, professors, instructors and teachers for the college;
- (d) provide for the affiliation of the college with any university or enter into arrangements for the use of any primary or secondary school for practice teaching purposes or for the services of teachers in any secondary school as lecturers or instructors in the college;
- (e) prescribe the course of training and study for students attending such college;
- (f) grant diplomas, certificates or other evidences of proficiency to the students, teachers and graduates of such college;
- (g) generally, with the approval of the Lieutenant-Governor in Council, do all such things and enter into all such agreements and arrangements as may be deemed advisable for establishing, maintaining, equipping, furnishing and conducting any such college.

Expenses of
college.

- (2) The expenses of establishing a college, the acquiring of property, plans, appliances and equipment therefor, the salaries of the officers, professors, instructors, teachers and servants of the college and the maintenance thereof shall be payable out of such moneys as may be appropriated by the Legislature for the purposes of the college of education. 1919, c. 73, s. 6 (1).

Appropriation for
scholarships for
post-graduate
courses in
France.

- 10.**—(1) There shall be payable out of the Consolidated Revenue Fund annually, the sum of \$6,000, to be awarded by the Minister of Education in scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study in France. 1920, c. 103, s. 2.

Regulations.

- (2) The number of such scholarships, the terms and conditions upon which they may be awarded, and the courses of study to be pursued, shall be prescribed by regulations to be made in the manner provided by this Act. 1920, c. 103, s. 3.

SEPARATE SCHOOLS.

11. Subject to the provisions of this Act, every power, right and authority now by law vested in or held, had or possessed by the Minister or by the Department of Education in respect to Roman Catholic separate schools or to any matter or thing pertaining to or affecting such separate schools shall be vested in and held, had and possessed by the Minister. R.S.O. 1914, c. 265, s. 26.

Powers of Minister as to separate schools.

REGULATIONS AND ORDERS IN COUNCIL.

12.—(1) Every regulation and every Order in Council made under the authority of this Act or of the Acts relating to public schools, separate schools or high schools shall be laid before the Assembly forthwith if the Assembly is then in session, and if the Assembly is not then in session, within the first seven days of the next session after such regulation or Order in Council was made.

Regulations and Orders in Council to be laid before the Legislative Assembly.

(2) Where the Assembly at such session, or if the session does not continue for three weeks after the regulation or Order in Council is laid before the Assembly then at the next ensuing session, disapproves by resolution of such regulation or Order in Council, or of any part thereof, the regulation or Order in Council, so far as disapproved of, shall have no effect from the time of the passing of such resolution. R.S.O. 1914, c. 265, s. 27.

Disapproval by Legislative Assembly.

PENALTIES.

13.—(1) A teacher, trustee, inspector or other person officially connected with the Department, or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize, or textbook, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public, or high school, collegiate institute or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing.

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

(2) For any contravention of subsection 1 a teacher shall incur a penalty of \$50; a trustee shall incur a penalty of \$100; an inspector shall incur a penalty of \$500; and any other person so officially connected shall incur a penalty of \$100.

Penalties for same.

(3) Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, inspector or any other person officially connected with the Department or with any normal, model, public or high school

Penalty against business, firm or agent.

or collegiate institute, or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or textbook, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof for so doing shall for every such offence incur a penalty of \$500.

Gifts, etc.,
to be
prima facie
evidence.

(4) Any gift or payment made to a teacher, trustee, inspector or other person so officially connected by any person, firm or corporation interested either as principal or agent in any such sale shall be *prima facie* evidence of a violation of this section.

Recovery of
penalties.
Rev. Stat.
c. 121.

(5) The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*.

Application
of penalties.

(6) The penalties recovered under this Act shall be applied to such purposes as the Minister may direct.

Consent of
Attorney-
General to
prosecution.

(7) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent of the Attorney-General or his deputy.

Sale in
ordinary
course of
business
excepted.

(8) This section shall not apply to sales made by a trustee who is a merchant or bookseller in the ordinary and regular course of his business as such and made at his shop or place of business. R.S.O. 1914, c. 265, s. 28.

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THE PUBLIC SCHOOLS ACT

Revised Statutes of Ontario, 1927,
Chapter 323.

The School Law Amendment Act, 1928, being Chapter
53 of the Ontario Statutes, 1928, has been inserted
following the Index. See Sections 1 and 2 for
amendments to The Public Schools Act.



ONTARIO
DEPARTMENT OF EDUCATION

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The Public Schools Act.

R.S.O. 1927, Chapter 323.

1. In this Act,—

Interpreta-
tion.

- (a) "Board" shall mean board of public school trustees; "Board."
- (b) "County inspector" shall mean the inspector appointed for a county inspectorate; "County inspector."
- (c) "County inspectorate" shall mean a county or portion of a county or portions of two or more counties for which an inspector is appointed, but shall not include a city or separated town for which an urban inspector is appointed; "County inspectorate."
- (d) "District inspector" shall mean an inspector appointed for a district inspectorate; "District inspector."
- (e) "District inspectorate" shall mean an inspectorate composed of territory outside of county organization; "District inspectorate."
- (f) "Elector" shall mean any person entered on the last revised voters' list as qualified to vote at municipal elections and who is not a supporter of separate schools; "Elector."
- (g) "Inspector" shall mean public school inspector; "Inspector."
- (h) "Inspectorate" shall mean the territory for which an inspector is appointed; "Inspectorate."
- (i) "Minister" shall mean Minister of Education; "Minister."
- (j) "Ratepayer" shall mean person entered on the last revised assessment roll of the school section for public school rates; "Ratepayer."
- (k) "Regulations" shall mean regulations made under *The Department of Education Act*; "Regulations." Rev. Stat. c. 322.
- (l) "School section" and "section" shall include a part of one or more township municipalities under the jurisdiction of one public school board; "School section."
- (m) "School site" shall mean and include land necessary for a schoolhouse, playgrounds, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium and offices connected therewith; "School site."

- "Secretary" or "Treasurer." (n) "Secretary" or "treasurer" shall include a secretary-treasurer;
- "Separated town." (o) "Separated town" shall mean a town which does not form part of a county for municipal purposes;
- "Teacher." (p) "Teacher" shall mean a person holding a legal certificate of qualification;
- "Township." (q) "Township" shall include union of townships;
- "Township board." (r) "Township board" shall mean a board having jurisdiction over all the public schools in a township;
- "Urban inspector." (s) "Urban inspector" shall mean the inspector appointed for an urban inspectorate;
- "Urban inspectorate." (t) "Urban inspectorate" shall mean a city or separated town not included in a county inspectorate;
- "Urban municipality." (u) "Urban municipality" shall mean a city, town or village. 1920, c. 100, s. 2.

Application of regulations.

2. The regulations, though not specially referred to, shall apply to any matter or thing in this Act contained, so far as the same are consistent with this Act. 1920, c. 100, s. 3.

Exemption of supporters of Roman Catholic separate schools.

3. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools except that all taxable property shall continue to be liable to taxation for the purpose of paying any liability incurred for public school purposes while such property was subject to taxation for such purposes. 1920, c. 100, s. 4.

Existing school arrangements continued.

4. Until altered under the authority of this Act all public school sections or other public school divisions shall continue as they now exist; all trustees duly elected and all officers duly appointed shall continue in office; and all agreements, contracts, assessments, and ratebills heretofore duly made in relation to public schools and existing when this Act takes effect shall continue subject to the provisions of this Act. 1920, c. 100, s. 5.

PUBLIC SCHOOLS TO BE FREE.

Public schools to be free.

5.—(1) All schools established under this Act shall be free public schools, and every person between the ages of five and twenty-one years, except persons whose parents or guardians are separate school supporters, and except persons who by reason of mental or physical defect are unable to profit by instruction in the public schools, shall have the right to attend some such school in the urban municipality or rural school section in which he resides.

- (a) Where a question arises as to whether or not a person can profit by instruction in a public school the matter shall be referred to a committee appointed by the Minister for that purpose whose decision shall be final. 1920, c. 100, s. 6 (1); 1927, c. 88, s. 3.

(2) Children between the ages of four and seven years may attend kindergarten schools, subject to the payment of such fees as to the board may seem expedient. Right to attend kindergarten schools.

(3) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send such child to the public school of the municipality or school section in which the child resides as if he were the child of a ratepayer in such municipality or school section; and every such corporation, society, agent or person shall be subject to the provisions of *The School Attendance Act*, in the same manner and to the same extent as a ratepayer. 1920, c. 100, s. 6 (2, 3). Rights of persons having charge of children. Rev. Stat., c. 332.

SCHOOL YEAR AND HOLIDAYS.

6.—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June. Terms.

(2) Every Saturday, every public holiday, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department of Education shall be a holiday in public schools. Holidays. Rev. Stat. c. 262.

(3) With the approval of the inspector, the board of a rural school section may substitute holidays in some other part of the year for part of the time herein allowed for Easter and midsummer vacations to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed in each year. In rural school sections.

(4) When there is no county organization the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which a school shall be kept open each year, and it shall be the duty of the board to keep the school open during the whole of the time so determined. 1920, c. 100, s. 7. Determining school terms in districts.

RELIGIOUS INSTRUCTION.

Religious exercises.

7.—(1) No pupil in a public school shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his parent or guardian.

Religious instruction.

(2) Subject to the regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. 1920, c. 100, s. 8.

SCHOOL VISITORS.

Public school visitors defined.

8.—(1) Judges, members of the Assembly, and members of municipal councils, shall be school visitors in the municipalities where they respectively reside, and every clergyman shall be a school visitor in the municipality where he has pastoral charge.

Their powers.

(2) School visitors may visit public schools, may attend any school exercises, and at the time of any visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils and any others present, as they deem expedient. 1920, c. 100, s. 9.

SCHOOL LANDS GRANTED PRIOR TO 24TH JULY, 1850.

School lands granted before 1850 vested in trustees for school purposes.

9.—(1) All lands which before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which such lands are now respectively held. 1920, c. 100, s. 10.

Disposal of school lands by boards.

(2) Notwithstanding anything in subsection 1, lands originally granted or conveyed by the Crown for common school purposes and held by the trustees of a school section or municipality may be leased, sold or otherwise disposed of with the approval of the Lieutenant-Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be prescribed in the order granting such approval. 1924, c. 82, s. 3.

SELECTION OF SCHOOL SITES BY RURAL BOARDS.

Selection and change of school site.

10.—(1) Whenever it is deemed expedient by or it is the duty of a rural school board to erect a new school building, or to change the site of an existing school house; or where a

petition in that behalf is presented by twenty-five per centum of the ratepayers of the school section, the board shall select a school site and shall thereupon call a special meeting of the ratepayers to consider the site selected by the board, whether the same be the present site or a new site; and if a majority of the ratepayers present at the meeting by resolution approve of such site, the same shall be adopted by the board and no site shall be adopted by the board until so approved except as provided in the following subsections of this section. 1920, c. 100, s. 11 (1); 1921, c. 89, s. 4.

(2) In case a majority of the ratepayers present at such special meeting differ from the board as to the suitability of the site selected by it, each party shall then and there choose an arbitrator, and the inspector or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award, approve of the site selected by the board or may change the boundaries of the same or may select such other site as the arbitrators or the majority of them deem more suitable for the purpose.

Arbitration when trustees and ratepayers differ as to site.

Award.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one, if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof; but if the boundaries of the section have been altered before any action has been taken by the board to purchase the site, proceedings under this section may be taken for the selection of a site as if no award had been made.

Reconsideration of award.

Duration.

Where boundaries altered.

(4) If the board or the majority of the ratepayers present at a public school meeting neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator as provided in this Act, the inspector with the arbitrator appointed shall meet and determine the matter; and the inspector in case of such refusal or neglect shall have a second or casting vote if he and the arbitrator appointed do not agree. 1920, c. 100, s. 11 (2-4).

Where failure to appoint arbitrator.

ACTIONS TO SET ASIDE AWARDS.

11. No action to set aside an award made under this Act shall be undertaken by or at the instance of the board of a rural school section without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action being brought. 1920, c. 100, s. 12.

Consent of majority of ratepayers to action to set aside award.

SCHOOL WALLS AND FENCES.

Fence.

12. Any wall or fence deemed necessary by the board or required by the regulations for the enclosure of the school premises shall be erected and maintained by the board. 1920, c. 100, s. 13.

ENLARGEMENT OF SCHOOL GROUNDS BY BOARD.

Enlargement
of school site.

13. Where the area of a rural school site is less than is required by the regulations the board may, without reference to a special meeting of the ratepayers, enlarge the same so as to conform to the regulations. 1920, c. 100, s. 14.

ALTERATION OF SECTION BOUNDARIES.

Union of
two or more
sections.

14.—(1) The council of a township may pass by-laws:

(a) to unite two or more sections in the same township into one section if, at a meeting of the ratepayers in each section called by the board or by the inspector for that purpose, a majority of the ratepayers present at each meeting request to be united;

Constitution
of board when
all sections
united.

(i) but when all the school sections in a township have been consolidated the council may limit the number of trustees constituting the board to not less than six, after at least one month's notice in writing has been given to the secretary of the board of the intention to consider a resolution to that effect, and in such case the council may provide for the election of all trustees by a general vote of the ratepayers of the whole township or may divide the township into as many districts as there are trustees to be elected and provide for the election of one trustee for each of such districts;

Alteration,
etc., of school
sections.

(b) to alter the boundaries of a school section, or to divide an existing section into two or more sections, or to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections so as to form a new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union have been duly notified in such manner as the council may deem expedient of the proposed by-law for that purpose, or of any application made to the council for such alteration, division or union.

(2) No such by-law shall be passed later than the 1st day of June in any year nor shall any such by-law subject to the provisions as to the formation, alteration or dissolution of union school sections, take effect, except as herein otherwise provided, before the 25th day of December next thereafter, and subject to the provisions hereinafter contained every such by-law shall remain in force unless set aside as hereinafter provided, for a period of five years.

Time for passing by-law; commencement and duration.

(3) The township clerk shall transmit a copy of such by-law immediately after the passing thereof to the board of every school section affected thereby and to the inspector. 1920, c. 100, s. 15 (1-3).

Clerk to send copies to board and inspector.

(4) Where in the opinion of the inspector a change in the assessment, population or otherwise has so materially affected a school section that a readjustment of the boundaries thereof is required, or where part of a school section has been added to a city or town the council of the municipality in which such section or the remaining portion of such section is situate may pass a by-law for the readjustment of the boundaries of such school section or remaining part of the school section notwithstanding the passing of a by-law or the publication of an award within five years affecting the limits of such section or part of the section or adjoining sections. 1920, c. 100, s. 15 (4) ; 1922, c. 98, s. 4.

When part of section is added to city or town.

(5) Any section formed by dividing an existing section shall be deemed to be a new section for all purposes.

Status of section formed by division of section.

(6) The council of a county, at the request of a majority of the councils of the townships in the county for a readjustment of the boundaries of the school sections in the county shall appoint arbitrators as provided by section 31.

Readjustment of boundaries of school sections in counties.

(7) The council of a county may in like manner appoint arbitrators at the request of the council of any township in the county to readjust the boundaries of the school sections in the township.

Readjustment of boundaries of school sections in townships.

(8) The arbitrators shall take action and make their award and the same may be put into effect notwithstanding that any time limit in connection with the operation of a previous award or change of boundaries has not expired. 1920, c. 100, s. 15 (5-8).

Time-limit not to prevail.

15.—(1) The council of a township may by by-law passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart any portion of the township lying contiguous to a city or town as a township school area and may declare that thereafter the school sections included in the township school area shall cease to exist as separate school sections

By-law setting apart township school area

and that the school boards having jurisdiction therein shall be dissolved. 1921, c. 89, s. 5, *part*; 1922, c. 98, s. 5 (1).

When by-law
to take effect.

(2) The by-law shall take effect from the 25th day of December in the year in which the same is passed but all school boards in such school sections shall remain in office until a board for the township school area has been elected and organized as hereinafter provided.

Board of
public school
trustees for
township
school area.

(3) There shall be a board of public school trustees for every township school area which shall consist of five members, and the board shall have and may exercise and perform the like powers and duties with respect to public schools in the township school area as in the case of a township board.

Election
of trustees.

(4) For the year following the year in which the by-law takes effect and in each year thereafter a board of public school trustees shall be elected for the township school area and the election of trustees shall be by ballot and shall be held as nearly as may be in the same manner as an election of members of a municipal council, and the secretary or secretary-treasurer of the board, or in the case of a first election, a person appointed by the inspector, shall be returning officer at such election and all the provisions of this Act applicable to the election of school trustees by ballot shall apply as nearly as may be to the election of school trustees under this section.

Incorporation.

(5) Every board of school trustees of a township school area shall be a corporation by the name of "The board of school trustees of the township school area of _____" or by such other designation as the by-law may provide.

Vesting
of real and
personal
property
in board
of township
school area.

(6) Upon the election and organization of a board of public school trustees for a township school area the board of public school trustees for every school section then in existence in the township school area shall be dissolved and all the property, real and personal, vested in the board of any such school section shall be vested in and become the property of the board of the township school area. 1921, c. 89, s. 5, *part*.

Board responsible for
obligations of
each school
in township
school area.

(7) The board of the township school area shall be responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area. 1922, c. 98, s. 5 (2).

Approval of
Minister.

(8) No by-law shall be passed under the provisions of subsection 1 until the same shall have been submitted to and approved in writing by the Minister. 1921, c. 89, s. 5, *part*.

16. Subject to the approval of the Minister the board of public school trustees of a township school area may enter into an agreement with the board of education or board of public school trustees of a contiguous city or town for the purposes and in the manner provided by section 87. 1921, c. 89, s. 5, *part*.

Agreement
with urban
board.

17.—(1) Where the board of public school trustees of a township school area has entered into an agreement under section 16 with the board of a contiguous city or town, the council of the township may exempt the portion of the township included in such township school area from the general rate required to be levied under section 109, but such exemption shall not be granted until the Minister has given his approval thereto in writing.

Exemption
from town-
ship rate.

(2) Where an exemption is granted from the township rate under subsection 1, the township school area shall not share in the expenditure of any sum raised by any such general rate, nor shall it be necessary for the township council in fixing such rate to take into account schools in the township school area. 1921, c. 89, s. 5, *part*.

Where
exemption
granted
township
school area
not to share
in rate.

ESTABLISHMENT OF METROPOLITAN SCHOOL AREAS.

18.—(1) The council of any county in which there is situate a city having a population of not less than 100,000 may, subject to the approval of the Lieutenant-Governor in Council, by by-law passed before the 1st day of July in any year set aside any defined area in the county adjacent to the city as a metropolitan school area and in and by such by-law shall name the person to be the secretary-treasurer of the metropolitan school area until some other person is appointed by the metropolitan public school board to be established as hereinafter provided.

County by-
law setting
aside metro-
politan
school area.

(2) Where a by-law has been passed under the provisions of subsection 1 there shall be established a metropolitan school board for the metropolitan school area and such board shall consist of one member elected by the vote of the supporters of public schools in each municipality or portion of a municipality included in the metropolitan school area and of six members to be elected by general vote of the public school supporters throughout the metropolitan school area.

Board.

(3) The members of the board to be elected in each such municipality or portion of a municipality shall be elected in the same manner and at the time and place provided for the election of members of the municipal councils in the municipalities included in the metropolitan school area and the first election shall take place at the municipal election held next after the passing of the by-law and the persons qualified

Election of
representa-
tives in local
municipali-
ties.

to vote shall be those only who shall be qualified to vote for public school trustees in the municipality or portion of a municipality.

Annual
election.

(4) The members so elected shall be elected annually.

Quali-
fication.

(5) The members of the board shall possess the same qualifications as urban school trustees.

Returning
officer.

(6) The secretary-treasurer shall be the returning officer for the metropolitan school area.

Nominations
for election
of members
by general
vote.

(7) Nominations for the election of the six members of the board to be elected by general vote shall be made by filing in the office of the returning officer on or before the hour of two o'clock in the afternoon of the last Monday in the month of November a nomination paper in writing signed by at least one hundred persons qualified to vote at the election being entered on the voters' list as public school supporters in the metropolitan school area, and the nomination paper shall contain the names, addresses and qualification in respect of which each person signing the paper has the right to vote and the signatures to such nomination paper shall be witnessed by some person of the age of twenty-one years and qualified as aforesaid.

Residence
required.

(8) No person shall be qualified to be elected by general vote unless he is a resident in the metropolitan school area and qualified to vote as a public school supporter therein.

Poll.

(9) If more than six persons are nominated then immediately after the expiry of the time for filing the nomination paper the returning officer shall notify the clerk of each local municipality the whole or any portion of which is included in the metropolitan school area, of the names, addresses and occupations of the persons so nominated and the clerk of every such local municipality shall cause ballots to be printed in the same manner as nearly as may be as in the case of the election of school trustees in the municipality, setting out the names, addresses and occupations of each person so to be elected by general vote, and the polls shall be taken in the same manner and at the same time and place as in the case of the election of members of the board representing local municipalities.

Returns
from local
municipi-
palities.

(10) At the close of the poll in each local municipality the clerk or other local returning officer shall transmit to the returning officer a statement showing the votes cast for each candidate including the candidates for election as representatives of the local municipality and upon the receipt of the last of such returns the returning officer, at the hour of two o'clock in the afternoon on the third Monday in January next after the last of such elections shall at his office make up from the statements so received by him the total number of votes cast for each candidate and publicly declare the result of the

election, and the returning officer shall thereupon certify in writing over his hand and seal the names of the persons so elected and shall deliver or send by post a copy of such certificate to each of the candidates.

(11) The six members elected by general vote at the first election shall hold office for two years and an election shall be held in every second year in the manner hereinbefore provided. Term of office of members elected by general vote.

(12) Where any member of the board dies, retires from office or vacates his seat by reason of disqualification or by reason of non-attendance, or becomes incapable of acting, the board shall at the next meeting after the occurrence of such vacancy appoint a duly qualified person to fill the vacancy for the remainder of the term for which the person whose office has become vacant was elected. Vacancies.

(13) The first meeting of the board shall be held at the hour of two o'clock in the afternoon on the last Monday in January next after the passing of the by-law mentioned in subsection 1 and thereafter the first meeting of the board for each year shall be held annually at the same time and on the same day, and the board in each year shall be organized by the election of a chairman who shall thereafter preside, but until the election of a chairman the secretary-treasurer shall preside. First meeting in year.

(14) Until the time of the organization of the first board the existing school trustees of the various public school boards of the municipalities included in the metropolitan school area shall continue to hold office but upon the organization of the board for the metropolitan school area the public school boards theretofore established in the area shall be dissolved and all property, real and personal, vested in such boards, together with all rights and privileges theretofore vested in them shall be vested in the metropolitan school board. Dissolution of existing boards.

(15) Where a metropolitan school board is established under this section the board shall at its first meeting in each year appoint three persons who need not be members of the board and who shall constitute an equalization commission whose duty it shall be to equalize the assessment for public school purposes in the various municipalities included in the metropolitan school area and the equalization commission shall make its report to the board within two months after such appointment. Equalization commission.

(16) A copy of the report of the equalization commission shall be forwarded to every municipality included in, or a portion of which is included in the metropolitan school area. Report of equalization commission.

(17) An appeal shall lie on behalf of any municipality from the report of the equalization commission to the judge of the county court of the county who shall hear and determine such appeal and whose decision shall be final. Appeal.

Procedure
on appeal.

(18) The procedure upon such appeal shall be the same as nearly as may be as in the case of an appeal from the decision of the county council upon the equalization of assessment for county purposes.

Debentures.

(19) For the purposes of this Act a metropolitan school area shall be deemed to be an urban municipality and the metropolitan public school board may issue debentures in its corporate name in the same manner as nearly as may be as in the case of debentures issued by a municipal corporation for public school purposes and all the provisions of *The Municipal Act*, and of this Act, with respect to the issue of debentures for public school purposes shall apply, but it shall not be necessary to obtain the assent of the electors in the metropolitan school area to any by-law for the issue of debentures of the board in any case where the Railway and Municipal Board, upon the application of the metropolitan public school board, certifies in writing that the annual rate required to meet the payment of principal and interest on any issue of debentures will not exceed, together with any already issued and outstanding thirty per centum of the total rate required to be levied for public school purposes in the metropolitan school area.

Rev. Stat.
c. 233.

Board to
assume lia-
bilities and
obligations of
existing
boards.

(20) The board of the metropolitan school area shall be responsible for and shall discharge all liabilities and obligations of each of the school sections or municipalities included in the metropolitan school area and any indebtedness of the board of any school section or municipality shall be provided for by the general rate levied upon all property liable for taxation for public school purposes in the metropolitan school area.

Annual
estimates.

(21) (a) The metropolitan school board shall annually, on or before the 1st day of March, make up its estimates of the cost of establishing, equipping and maintaining public schools in the metropolitan school area and the same shall be raised, levied and collected by general rate levied upon all property liable to taxation for public school purposes in the metropolitan school area.

Apportion-
ment of
amount
required.

(b) The board shall apportion to each municipality, all or any part of which is included in the metropolitan school area, the amount to be raised in that municipality and it shall be the duty of the council of such municipality to raise, levy and collect the same accordingly.

No other
rates to be
levied or
shared in.

(c) No rates for public school purposes other than those provided for by this Act shall be raised, levied or collected in the metropolitan school area and the metropolitan school area shall not share in the expenditure of any sum raised by any such rate except the rates to be levied and collected for the metropolitan school board under the authority of this Act.

(22) Notwithstanding anything in the foregoing subsections of this section contained a public school in any part of a metropolitan school area which, if such part were not included in the metropolitan school area would be a rural school, shall be deemed a rural school for the purposes of this Act except as otherwise expressly provided in this section. 1926, c. 67, s. 2.

Rural schools
in metropoli-
tan school
area.

APPEALS FROM TOWNSHIP COUNCIL.

19.—(1) A board, or any five ratepayers of any one or more of the school sections concerned, may within twenty days by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situate against any by-law of the township council for the formation, division, union or alteration of their school section or sections, or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide or alter the boundaries of a school section or school sections within the township.

Appeal to
county
council.

(2) The time for appeal shall run from the date of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for such by-law to be passed, as the case may be.

Time for
appeals.

(3) The county council may if it thinks fit appoint a board of arbitrators consisting of not more than five nor less than three competent persons, two of whom shall be the county judge, or some person named by him, and the inspector, and a majority of whom shall form a quorum, to hear such appeal and to form, divide, unite or alter the boundaries of the school section or school sections so far as to settle the matters complained of.

Appointment
of arbitrators.

(4) Due notice of the alteration or of the determination of the arbitrators shall be given by the inspector to the clerk of the township and to the school boards concerned.

Notice.

(5) In a provisional judicial district the appeal shall be to a board of three arbitrators composed of the judge of the district court or some person named by him, the inspector and some person appointed by by-law or resolution of the township council.

Appeals in
territorial
districts.

(a) The notice of appeal shall be given to the clerk of the township, the inspector and the judge.

(b) The township council at its first meeting after service of such notice upon the township clerk shall appoint their arbitrator, and the clerk of the township shall forthwith notify the inspector of such appointment.

(c) The judge upon receipt of the notice of appeal shall notify the inspector in writing of his willingness to act as arbitrator or shall name some person to act in his stead and notify the inspector in writing of such appointment.

(d) When the board is complete the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

When alterations or determination of appeal to take effect—duration.

(6) The alterations or determination of such matters except as herein otherwise provided shall not take effect before the 25th day of December in the year in which the award is made and shall thence continue in full force for the period of five years at least, and thereafter until changed under this Act.

Who may act as arbitrators.

(7) No person shall be nominated or appointed arbitrator who is a member of the township council or who was a member at the time at which the council passed or refused or neglected to pass the by-law. 1920, c. 100, s. 16.

CONSOLIDATED SCHOOLS.

Agreements for consolidation.

20.—(1) For the purpose of establishing and maintaining consolidated schools agreements may be entered into for the consolidation of school sections, union school sections or incorporated villages, or union school sections composed of portions of townships and incorporated villages or portions of incorporated villages, or for the consolidation of any of these with any of the others.

Provisional division of school section.

(2) Where the council of a township deems it desirable for the purposes of facilitating the establishment of a consolidated school, that a school section in the township should be divided, the council may, at any time, by by-law, divide such school section into two or more provisional school sections, and for the purpose of entering into an agreement under subsection 1, each part of the section so divided shall be deemed a separate school section, but such division shall not have effect or apply for any other school purpose until a consolidated school section has been established as provided in this section.

(a) Upon the establishment of a consolidated school section including part of the section so divided, the council of the township may by by-law annex the remaining portion of the section to any contiguous school section or may constitute it an independent school section.

Approval of ratepayers.

(3) The agreement shall be approved by the ratepayers in each section, and of any village or union school section or

provisional school section party thereto in the manner following, that is to say:—

(a) In the case of a school section or provisional school section or a union school section which does not include an incorporated village or any part of an incorporated village, by a resolution of the ratepayers at a special meeting duly called for that purpose;

(b) In the case of a village, by a vote of the ratepayers who are public school supporters in the village, upon a question to be submitted in the manner provided by *The Municipal Act*;

Rev. Stat.
c. 233.

(c) In the case of a union school section comprising a part or the whole of an incorporated village and a portion of a township—

(i) by a resolution of the ratepayers of each school section or portion of a school section included in a union school section lying in the township, to be passed at a meeting of the ratepayers of the section or portion of the section specially called for that purpose, in the manner provided by this Act with respect to public school meetings in rural school sections; and

(ii) by a vote of the ratepayers in the village or part of a village included in the union school section, to be taken in the manner provided by clause b.

(4) The agreement shall provide for the apportionment and distribution of the assets and liabilities of the respective boards to be consolidated, and may provide for the levying of a special rate for a term of years in any part of the consolidated school section, in order to give effect to such apportionment and distribution, or the agreement may provide for such apportionment and distribution and for the fixing of any such special rate by a board of arbitrators, to be composed of the inspector, the judge of the county or district court of the county or district, and one person to be named by the council of the local municipality or by the councils of each of the local municipalities in which the consolidated school section or any part thereof is situated, and in case the number of arbitrators so chosen is an even number, an additional arbitrator may be appointed by the Minister.

Apportionment and distribution of assets and liabilities.

(5) Where a consolidated school section includes territory lying in two or more townships—

Where territory included lies in two or more townships.

(a) the agreement for forming the consolidated school section shall determine what proportion of the cost

of establishing and maintaining the school shall be borne by each township, or shall provide that such proportion shall be determined by the award of the arbitrators mentioned in subsection 4, and the same shall be annually raised, levied and collected upon the property liable to taxation for public school purposes in that portion of the consolidated school section lying within the boundaries of the township; and

- (b) the proportions of the sums to be raised under section 109 for consolidated schools by the corporation of each of the townships interested shall be determined by agreement between the corporations of the townships, or in default of such agreement, by the board of arbitrators provided for in subsection 4.

Where village or portion of village included.

- (6) Where a consolidated school section includes a village or a portion of a village, the agreement shall determine—

- (a) what proportion of the cost of establishing and maintaining the school shall be borne by the village and by the township or townships, and that the same shall be annually raised, levied and collected by the village and by the township or each of the townships respectively, upon the property liable to taxation for public school purposes in that portion of the consolidated school section lying within the boundaries of the municipality;

- (b) the proportion of the sums raised under section 109, which shall be borne by the corporation of the township or of each of the townships interested;

or the agreement shall provide that the matters referred to in clauses *a* and *b* shall be determined by the award of the arbitrators mentioned in subsection 4.

Election of trustees where village included.

- (7) Where a consolidated school section includes a village or a portion of a village or a police village or a portion of a police village, the agreement may provide for the election of a member or members of the board of trustees of the consolidated school section by the ratepayers of the village or police village or that portion of the village or of the police village lying within the consolidated school section and for the election of the remaining trustees by the ratepayers of that portion of the consolidated school section lying within the township or townships and for the term of office of each of the trustees first elected and their retirement and the election of their successors as far as possible in conformity with the provisions of subsections 10 and 11. 1919, c. 75, s. 2, *part*.

Approval of Minister.

- (8) The agreement for consolidation shall not come into force or take effect until it has been submitted to and approved by the Minister. 1919, c. 75, s. 2, *part*; 1920, c. 99, s. 11.

(9) After the approval of the agreement by the Minister, it shall not be open to question upon the ground that the procedure prescribed by this section has not been followed or that there has been any irregularity or informality in such procedure, or upon any other ground whatsoever.

Agreement
to be valid
after approval.

(10) Upon the approval of the agreement in writing by the Minister the agreement shall take effect forthwith, and thereupon the territory included in the agreement shall form a consolidated school section and the first election of a board of trustees for the consolidated school section shall be held on a date to be fixed by the Minister.

When to
take effect.

(11) Subject to the terms of any agreement entered into under the provisions of subsection 7, there shall be elected for the section a board of trustees to be composed of five members, one of whom shall be elected to hold office from the date of the first election until the date of the second annual municipal election held after the first election of trustees—two of whom shall be elected to hold office until the date of the third annual municipal election after the first election of trustees—and two of whom shall be elected to hold office until the date of the fourth annual municipal election after the first election of trustees—and thereafter at every annual municipal election a trustee or trustees shall be elected in place of the retiring member or members of the board and shall hold office for a term of three years and until his or their successor or successors are elected.

Election of
board.

(12) The election of trustees shall be by ballot and shall be held as nearly as may be in the same manner as the election of members of a municipal council, and the secretary and secretary-treasurer of the board, or, in the case of the first election, a person appointed by the inspector shall be the returning officer for such election and all the provisions of this Act applicable to the election of school trustees by ballot shall apply as nearly as may be to the election of trustees under this section.

Procedure
at election.

(13) Upon the election of a board of trustees of a consolidated school section, each of the boards in the territory consolidated shall be deemed to be dissolved and all the real and personal property vested in each of the said boards shall become vested in the board of trustees of the consolidated school section, and such board shall be a corporation by the name of "The Board of Trustees of Consolidated School" (inserting name of school) and shall possess all the powers, and perform all the duties and be subject to all the liabilities conferred and imposed by this Act on the trustees of public schools.

Dissolution
of former
boards.

Corporate
name of
board.

(14) Until a consolidated school is established, the board of trustees of the consolidated school section shall have the management and control of each of the schools in the territory

Management
of schools
pending estab-
lishment of
consolidated
school.

consolidated, and shall have, and may exercise and perform with respect to every such school, the powers and duties theretofore vested in the board of public school trustees having the control and management of the school.

Disposing of school property in sections consolidated.

(15) The board of trustees of a consolidated school, with the approval of the Minister, may sell and dispose of the schoolhouses and other school property in the territory consolidated, and the proceeds thereof shall be applied in accordance with the terms of the agreement or award referred to in subsection 4.

Transportation of pupils.

(16) Subject to the regulations, the board of trustees of a consolidated school section may provide for the conveyance of pupils to and from school and for the cost thereof as part of the cost of maintenance of the school.

Name of school.

(17) The board of trustees, with the approval of the Minister, may select a name for the school.

Approval of plans, etc.

(18) The plans of any consolidated school building and the selection of a site therefor shall in every case be subject to the approval of the Minister.

To be deemed rural schools for purposes of county and provincial grants.

(19) For the purposes of the legislative grant for public and separate school purposes and of the county grant provided for in section 108 every consolidated school shall be deemed to be a rural school. 1919, c. 75, s. 2, *part*.

Regulations.
Rev. Stat
c. 322.

(20) Regulations may be made in the manner provided by *The Department of Education Act*, providing—

- (a) for the form of agreement for the establishment of a consolidated school and the manner in which, and the persons by whom the same shall be executed or authenticated;
- (b) for the procedure at any school meeting called for the approval of such agreement or on taking a vote of the ratepayers;
- (c) for plans and specifications of consolidated school buildings and outbuildings connected therewith;
- (d) for the number of teachers to be employed and the rooms and other accommodation and school supplies to be furnished in each school;
- (e) for equipment and appliances to be provided in the school;
- (f) for the apportionment and payment of any sums appropriated by the Legislature for consolidated school purposes, and the application thereof to the purchase of a site and the erection of school buildings thereon and the expenses of providing means of transportation for pupils to and from school;

(g) for giving such directions as may appear to be necessary to carry out the provisions of this Act relating to the election of trustees and the holding of meetings, and for the guidance of returning officers, chairmen and other officers and persons charged with any duty respecting the same, and for modifying or altering any provision of this Act relating to such elections or meetings when the same appear to be inconvenient or impracticable, and for making due provision for circumstances which are not provided for or contemplated by this Act. 1919, c. 75, s. 2, *part*.

(h) for permitting the board of trustees of a consolidated school and the trustees of any adjacent school section to enter into an agreement for incorporating such school section in the consolidated school section, and for prescribing the method in which the rights and liabilities of the respective boards shall be determined and the agreement consummated. 1920, c. 99, s. 13.

Enlarging consolidated school area.

(i) for determining all questions which may arise as to the rights, powers and duties of the board of trustees of a consolidated school section with respect to any matter as to which no express provision is made by this Act. 1922, c. 98, s. 16.

Regulations as to consolidated schools.

(21) The trustees of a consolidated school section at their first meeting and at the first meeting in each year thereafter for which an election has been held shall elect a chairman.

Chairman of board.

(22) The secretary of the board, or in the case of the first meeting of the board a person appointed by the inspector for that purpose, who shall be a ratepayer in the consolidated school section, shall preside at such election, and in case an equal number of votes shall be given for two or more candidates he shall give a casting vote. 1919, c. 75, s. 2, *part*.

Election of chairman.

(23) The councils of two or more townships, portions of which constitute a union school section, on the petition of five ratepayers resident in each of the municipalities concerned may, with the approval of the Minister, pass by-laws for dividing such union school section into two or more provisional school sections, and for the purpose of entering into an agreement under subsection 1, each part of the union school section so divided shall be deemed a school section, but such division shall not have effect or apply for any other school purpose until a consolidated school section has been established.

Where union school section in two or more townships included in consolidated school section.

(a) Upon the establishment of a consolidated school section including part of a union school section so divided the remaining portion of the school section may constitute a school section or a union school

Where part only of union section is included.

section as the case may be or may be annexed to any contiguous school section or union school section. 1922, c. 98, s. 17.

Question of dissolution to be submitted to electors.

(24) If, within two years after the approval of the Minister in accordance with subsection 10, the ratepayers have not voted the money required by the trustees for the erection of the school, the question of dissolving the consolidation shall be submitted by the Board to a vote of the ratepayers in the same manner, as nearly as may be, as that provided for the election of trustees, and if a majority of the ratepayers who vote on the question are in favour of dissolving the consolidation, the Minister may approve of the dissolution and the return of the sections to their former status. 1924, c. 82, s. 13; 1927, c. 88, s. 4.

Grants to schools in sections having extended areas.

21. Where the boundaries of a school section are extended so as to include territory in which children reside who are entitled to attend the school and whose place of residence is at a greater distance than three miles by the nearest highway from the school, the Minister may, subject to the regulations, make grants out of the appropriation for consolidated schools for the transportation of pupils and for the erection of school buildings, where in the opinion of the Minister, such transportation and school buildings have become necessary by reason of such extension. 1919, c. 75, s. 3.

Council of urban municipality to issue consolidated school debentures.

22. Subject to the terms of the agreement for the establishment of a consolidated school, where a consolidated school area includes an urban municipality and a rural school section or rural school sections or parts thereof, application for the issue of debentures shall be made by the board of the consolidated school area to the council of such urban municipality, and subsections 5 and 6 of section 53, shall apply *mutatis mutandis*. 1922, c. 98, s. 18, *part*.

Issue of debentures by township in which school is situate.

23. Subject to the terms of the agreement for the establishment of a consolidated school, where a consolidated school area consists of school sections or parts of school sections situate in two or more districts, any debentures which may be issued upon the requisition of the board of the consolidated school area shall be issued by the council of the township in which the school is situate and the provisions of section 54, shall apply *mutatis mutandis*. 1922, c. 98, s. 18, *part*.

Where consolidated school section includes parts of two or more municipalities.

24. Where a consolidated school section includes portions of two or more municipalities lying in the same county or in different counties, subject to the terms of the agreement for the establishment of a consolidated school, the money required to be raised for the purposes of the school shall be raised in the like manner, and the assessment upon which rates are levied

for consolidated school purposes shall be equalized in the like manner as nearly as may be as in the case of a union school section similarly composed. 1922, c. 98, s. 18, *part*.

25. Where two or more schools have been established in a school section and the board of trustees of the section, by resolution, approved of by the ratepayers at a meeting specially called for that purpose, signify their desire to establish a centrally located school in place of the schools theretofore maintained in the section, the Minister may authorize the establishment of a school in a location approved of by him and in conformity with the regulations, and may direct that such school shall, for the purposes of sharing in any grant made under the authority of section 20, and for the purposes of sharing in any county or township grant made under sections 108 and 109, be deemed to be a consolidated school. 1919, c. 75, s. 4.

Consolidation
of schools in
one section.

26.—(1) Where the council of a township has passed or hereafter passes a by-law under subsection 1 of section 14, to unite two or more school sections, and the school established or to be established in the section requires the employment of two or more teachers and it is necessary to provide means of transportation for the pupils of the school, the Minister, subject to the regulations, and upon the application of the board of trustees of the school section approved of by the ratepayers as provided in subsection 3 of section 20, may declare the school section to be a consolidated school section, and thereafter the said section shall apply thereto as if the school section were a consolidated school section established by agreement under subsection 1 of the said section. 1919, c. 75, s. 5; 1921, c. 89, s. 28 (1).

Union school
section may
become con-
solidated
school section.

(2) Where the councils of two or more townships have passed or hereafter pass a by-law under section 30 for the formation of a union school section the same terms and conditions, *mutatis mutandis*, shall apply as in the case of subsection 1 above. 1921, c. 89, s. 28 (2).

Terms.

ADJUSTMENT OF CLAIMS BETWEEN SECTIONS.

27.—(1) On the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall as arbitrators value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive.

Adjustment
of claims
between mem-
bers of unions
in same
township.

Where more inspectors than one.

(2) Where there are more inspectors than one the township council shall name the inspector who is to act. 1920, c. 100, s. 17.

SALE OF SCHOOL PROPERTY.

Disposal of school property when not required.

28.—(1) When a school site, school house or other school property is no longer required, in consequence of the alteration or the union of school sections, the same shall be disposed of in such manner as a majority of the ratepayers in the altered or united school sections may decide at a meeting duly called for that purpose.

Application of proceeds where ratepayers transferred from one section to another.

(2) Where ratepayers are transferred from one school section to another the board of the section to which they are transferred shall be entitled for the public school purposes of the section to such a proportion of the proceeds of the sale as the assessed value of the property of the ratepayers so transferred bears to that of the whole number of ratepayers of the school section to which they belonged before the separation; and the residue of such proceeds shall be applied to the erection of a new school house or to other public school purposes in the old school section.

Application of proceeds in union sections.

(3) In the case of united sections the proceeds shall be applied to the public school purposes of the united section. 1920, c. 100, s. 18.

VALIDITY OF SCHOOL ARRANGEMENTS AND PROCEEDINGS.

School sections and union sections confirmed.

29.—(1) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such section and notice thereof has been given to the persons who according to the practice of the court in which the proceedings are taken ought to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed. 1920, c. 100, s. 19 (1).

When award may be cancelled.

(a) Provided that where the boundaries of one or more school sections have been altered by the award of a board of arbitrators under the provisions of this Act and such award has not been acted upon for a period of two years, the Minister may cancel such award and may direct the appointment of new arbitrators or may himself appoint arbitrators for

the reconsideration of the matter and where the arbitrators are appointed by the Minister their award shall not be subject to any appeal.

- (b) Where an award is cancelled by the Minister as provided in clause *a* such cancellation shall be deemed to have had effect from the time of the making of the award. 1922, c. 98, s. 6.

When cancellation to take effect.

(2) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to such proceeding, arbitration or award unless in the opinion of the tribunal before which such proceeding, arbitration or award is called in question the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby or some of them.

No proceeding invalidated unless where substantial injustice.

(3) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them, or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the Supreme Court, but shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which such school section or some part thereof is situate, and the decision of such judge shall be final and conclusive unless special leave to appeal therefrom shall be given by the Supreme Court or a judge thereof, and if such leave be given an appeal shall lie to the Supreme Court upon questions of law only, upon and subject to such terms and conditions as the court or judge giving the leave shall prescribe.

Jurisdiction of county or district judge.

(4) Where the question touches an arbitration or award to which the judge has been a party, the application shall be heard and determined by the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. 1920, c. 100, s. 19 (2-4).

Appeals where judge is arbitrator.

UNION SCHOOL SECTIONS.

30.—(1) A union school section may be formed between parts of two or more adjoining townships, or a union may be formed between parts of one or more townships and an

What unions may be formed.

adjoining urban municipality not being a city or a separated town, and in such case the union shall be considered an urban municipality. 1920, c. 100, s. 20 (1).

How union
school sec-
tion to be
formed.

(2) A union school section may be formed consisting of a part of a township or parts of two or more townships and an adjoining city or separated town where the suburban school section or sections concerned, by a majority vote at a meeting of the ratepayers in such section or in each of such sections regularly called, approves of such annexation, and such union is also approved by the urban board and the union shall take effect on the 25th day of December next after the union has been confirmed by by-laws passed by the councils of the township and the city or separated town respectively at the request of the boards of the suburban school section or sections and of the city or separated town.

Assessment
in such cases.

(3) Where a union school section is established under subsection 2 the assessment for school purposes of all property liable to taxation in the rural portion of the union school section, shall be fixed from year to year by a board of three arbitrators, one of whom shall be appointed by each of the townships interested, one by the council of the city or town and one by the Minister.

Assessment
roll

(4) For the purpose of subsection 3 the assessor of the township in which the rural portion of the union school section is situate shall deliver a copy of the assessor's roll or so much of it as may be necessary, to the board of arbitrators who shall within two weeks thereafter return the same to the assessor with the assessment required for school purposes.

Board to
determine
proportion of
annual re-
quisition.

(5) The board of arbitrators shall, after they have completed the revision and before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters in the rural portion of the union section.

Township
Council
to levy.

(6) The council of the township in which the rural portion of the union school section lies shall levy in each year on all the property liable for assessment for school purposes in the rural portion of the union school section according to the assessment fixed as provided in subsection 3 a rate equal to the rate imposed by the corporation of the city or town for public school purposes. 1922, c. 98, s. 7.

Corporate
name.

(7) Except where the section is an urban municipality, the board shall be a corporation under the name of "The Board of Public School Trustees of Union School Section number
in the
."

(8) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the municipalities concerned to their respective councils asking for the formation, alteration or dissolution of the section.

Procedure for formation, alteration or dissolution of union.

(9) Each of the councils so petitioned may appoint an arbitrator who shall not be a member of the council, and notice of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall also be arbitrators.

Appointment of arbitrators.

(10) A council may act upon a petition addressed to the councils concerned or to any two or more of them jointly if such petition is signed by five ratepayers of the municipality acting thereon.

Petition of council.

(11) Where there would otherwise be an even number of arbitrators the judge of the county or district court, or some person named by him, shall be added, and where the arbitration affects two or more counties or districts the judge of the county or district court of the county or district which has the largest population according to the last Dominion census, or some person named by him, shall be added.

Where even number of arbitrators appointed, county judge to act.

(12) The arbitrators, or a majority of them, may make and publish the award.

Majority award.

(13) The first meeting of the arbitrators shall be called by the senior inspector who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned who shall forthwith notify the arbitrators appointed by their respective councils.

First meeting of arbitrators.

(14) Where the arbitrators determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union section, they shall in their award set forth the specific parcels of land to be included in such new union section or in such altered section as the case may be.

Award, what to contain.

(15) In the event of the transfer of any land from an existing union section to some other section the arbitrators shall in their award set forth to what other section such transfer shall be made.

Award to set out land transferred.

(16) Where the arbitrators determine upon the dissolution of an existing union section, they shall set forth in their award the section or sections to which the land composing such union section shall be attached.

In case of dissolution.

(17) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such section or union

Reorganizing union section.

section shall be composed, and the remainder of the union section shall be disposed of as herein provided.

Fixing
proportion
of liabilities.

(18) Where a new union section is formed or an existing union section is altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection of the school house and the maintenance of the school and other necessary expenses.

Adjustment
of claims.

(19) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other and the right of any ratepayer affected by the award.

Calling first
meeting to
elect trustees.

(20) Where a new union section is formed the inspector authorized under subsection 13 to call the first meeting of the arbitrators shall call the first meeting of electors for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

Not to take
effect till
the 25th of
December
except for
certain
purposes.

(21) Such union, alteration or dissolution, except as herein otherwise provided, shall not take effect until the 25th day of December after the award or a certified copy thereof is filed with the clerks of the municipalities concerned, but the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment.

Reconsidera-
tion of union
school section
award.

(22) Subject to the provisions of subsections 6, 7 and 8 of section 14 and subsection 27 of this section a union school section shall not be altered or dissolved for a period of five years after the award has gone into operation, whether the award does or does not change the boundaries of existing sections, but nothing herein shall prevent a municipal council from enlarging the boundaries of a union section as may be deemed expedient; and two-thirds of the ratepayers of a union section may, at the expiration of three years from the date of its formation, petition the municipal council or councils concerned for a reconsideration of the award for the formation of the section, and the proceedings shall be the same as in the case of a petition under subsection 8. 1920, c. 100, s. 20 (2-17).

- (a) Where the arbitrators appointed by the councils of the municipalities interested have failed to establish a union school section in accordance with the petition, or where the arbitrators appointed by the council of a county have set aside an award made by the arbitrators appointed by the councils of the local municipalities, the council of each of the local municipalities on the petition of at least five ratepayers resident in the municipality asking for reconsideration of the award after the expiration of two years from the date of the award may appoint arbitrators and take all other necessary proceedings as provided by this section for the establishment of such union school section. 1922, c. 98, s. 8.

Failure to act on award changing school boundaries—cancellation of award.

- (23) Where an award, whether for or against the formation of a new union school section, has not been acted upon the proceedings mentioned in subsection 1 may be taken at any time after the expiration of three years after the award was made.

New arbitration after three years.

- (24) Where an award, whether for or against the formation of a new union school section, has been adjudged illegal or void the proceedings mentioned in subsections 1 and 8 may be taken at any time after the expiration of the time for appealing against the judgment or decision or after the disposition of any appeal therefrom. 1920, c. 100, s. 20 (18, 19).

New arbitration when award set aside.

- (25) In a provisional judicial district:

Union school sections in districts.

- (a) A union school section may include any of the following, namely—an organized township or any part thereof, or two or more organized townships or parts thereof; an unorganized township or any part thereof, or two or more unorganized townships or parts thereof, unsurveyed territory, and a town or village, and the union school section may be altered or dissolved, and in such case the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector. 1920, c. 100, s. 20 (20), cl. (a).

- (b) The arbitrators shall be—one person appointed by each of the councils of the organized municipalities concerned, the inspector of the district and the judge of the county or district court or some person named by him, and they shall have all the powers of the board of arbitrators mentioned in the preceding subsections of this section, all of which, so far as applicable, shall apply to the subject matter of this subsection. 1924, c. 82, s. 4.

School arbitrators in districts.

Alterations
of boundaries
not to affect
power to
form unions.

(26) The powers conferred by this section may be exercised notwithstanding that the period fixed by subsection 2 of section 14 or by subsection 1 of section 38 has not expired.

Alteration
or dissolution
when
assessment
materially
altered.

(27) Where within the period of five years mentioned in subsection 22 the assessment of the union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, such union school section notwithstanding the provisions of that subsection may be altered or dissolved. 1920, c. 100, s. 20 (21, 22).

Appeal re-
lating to
union school
within a
county.

31.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve lies wholly within a county, the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either for or against the formation, alteration or dissolution of such section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators as provided in section 30. 1920, c. 100, s. 21 (1); 1924, c. 82, s. 5.

Appointment
of arbitrators
by county
council.

(2) On receipt of such appeal the county councils shall have power to appoint not more than three arbitrators who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 30 and the decision of a majority of them shall be final and conclusive.

Calling
first meeting
of arbitrators.

(3) The first meeting of such arbitrators shall be called by the county clerk. 1920, c. 100, s. 21 (2, 3).

Appeals to
Minister from
school arbi-
trators in
case of union
school section.

32.—(1) Where territory which it is proposed to form into a union school section or where the union school section which it is proposed to alter or dissolve comprises an organized or unorganized township or any part thereof, and an urban municipality, or lies in more than one county, or in a district, the board, or any five ratepayers in the union school section or territory concerned, or any inspector or inspectors may at any time appeal to the Minister from any award made by arbitrators for or against the formation, alteration or dissolution of such section or against the refusal or neglect of the council or councils concerned to appoint arbitrators as provided in section 30. 1924, c. 82, s. 6.

Powers of
Minister.

(2) The Minister may in his discretion alter, determine or confirm such award, or where no award has been made he may appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section

30, and a decision of a majority of them shall be final and conclusive. 1920, c. 100, s. 22 (2); 1924, c. 82, s. 7.

(3) The first meeting of the arbitrators shall be called by the Minister. 1920, c. 100, s. 22 (3). First meeting of arbitrators.

33. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part; and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. 1920, c. 100, s. 23. Collection of rates in union school sections.

34. Where a township is divided for municipal purposes all school sections which, in consequence of such division, are situate partly in each of the newly formed municipalities shall be deemed union sections until otherwise altered under the provisions of this Act. 1920, c. 100, s. 24. Union sections as a consequence of a division of township.

35. Every union school section shall, for the purpose of the election of trustees, be deemed one section, and in respect to inspection shall be deemed to be within the municipality in which the school house is situate, or if there are two or more school houses then in that municipality within which a school house is situate which has the largest amount of property assessed for public school purposes. 1920, c. 100, s. 25. Election of trustees, and inspection of union school sections.

36.—(1) Where a union school section includes an urban municipality divided into wards and part of an adjoining township the board shall by resolution determine in which ward or wards the electors of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution then such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent any such elector may vote in either of such wards. Where township ratepayers to vote when urban municipality divided into wards.

(2) The clerk of the township shall furnish to the clerk of the urban municipality a certified copy of so much of the last revised voters' list of the township as contains the names of electors qualified to vote in that portion of the union school section lying within the township. 1920, c. 100, s. 26. List of voters.

37.—(1) Where part of a township becomes incorporated as or is annexed to and becomes part of an urban municipality such part shall for all school purposes be deemed to be part of the urban municipality, provided that when the part incorporated or annexed comprises or includes part only of a school section the municipalities interested, unless determined by agreement after the incorporation or annexation, Where part of a township is annexed to urban municipality.

Arbitration
to determine
rights.

shall each appoint an arbitrator who, with the judge of the county or district court, shall value and adjust in an equitable manner the rights and claims of all parties thereby affected, and shall determine by which municipality or part thereof the same shall be paid or settled.

Effect of
award.

(2) The award shall be final and conclusive, and any money found due, either by agreement or under the award, shall be deemed public school money and shall be payable out of the property taxable for public school purposes in that part of the school section situate within the indebted municipality.

Issue of
debentures.

(3) The provisions of section 54 shall not apply to the money required to be paid under the award or agreement and debentures may be issued to be payable out of the property so taxable without calling a special meeting of the electors and upon the terms and conditions set forth in a by-law of the council of the municipality.

Status of
the part
of a school
section
which is not
annexed.

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections, where a part of a township so incorporated or annexed includes part only of a school section the part remaining shall constitute a school section by the same name as before the incorporation or annexation, and the school corporation shall continue, and the trustees who are in office at the time of such incorporation or annexation shall continue in office until their successors are elected and shall be the board of public school trustees for the part of the section not so included in the urban municipality. The trustees may resume office or be elected for the section in case the board has been disbanded, and action may be taken by the township council at any time, as provided by this Act, to readjust the boundaries of the portion of the section that is not included in the urban municipality.

Disposition
of assets and
liabilities
upon union of
municipalities.

(5) Where urban municipalities become united all the assets and liabilities of the board of each municipality shall be vested in and assumed by the board of the united municipality. 1920, c. 100, s. 27.

MAINTENANCE OF UNION SCHOOLS.

Assessors
to determine
proportion.

38.—(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per centum of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, after they have completed their respective assess-

ments and before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies.

(2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for school purposes the assessors shall, at their next meeting, revise the equalization. Where assessment materially altered by exemptions.

(3) The meeting of the assessors shall be called by the assessor of the municipality in which the school house is situate. Calling meeting of assessors.

(4) Where there are more assessors than one the head of the municipal corporation shall name the assessor who shall act. By whom.

(5) Notice of the determination shall be given forthwith to the secretary of the board and to the clerk of each municipality. Notice of determination.

(6) Where the assessors disagree, the inspector in whose inspectorate the school of the union section is situate, and the assessors shall be arbitrators to determine the matter and report to the secretary of the board and to the clerk of each municipality, on or before the 1st day of July. Arbitration where assessors disagree.

(7) Where the union school section is composed of parts of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the school house of the section is situate shall act with the assessors. When school section lies in two counties.

(8) The decision of a majority of the arbitrators shall be final and conclusive until the next equalization of assessments takes effect. Duration of decision of assessors.

(9) The assessors or, in the case of an arbitration, the arbitrators on the request in writing of the inspector or of five ratepayers may within one month after the report of the determination or award to the secretary of the board correct any omission or error in the terms in which the determination or award is expressed. Reconsideration of award.

(10) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in the same proportion as the equalized assessments bear to each other. 1920, c. 100, s. 28. Cost of assessors and arbitrators.

CONFIRMATION OF BY-LAWS AND AWARDS.

39.—(1) A by-law of a municipal council for forming, altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township Certain by-laws and awards to be valid unless notice to quash given.

council with respect to any matter authorized by this Act shall be valid and binding, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same unless notice of an application to quash such by-law or to set aside such award is given to the township clerk within one month after the publication of such by-law or award, and the same is subsequently quashed or set aside.

What deemed
publication
of by-law.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary of each board of trustees affected thereby. 1920, c. 100, s. 29.

ESTABLISHMENT OF SECOND SCHOOLS IN SECTIONS WHERE ROADS IMPASSABLE.

Establishment
of second
school.

40.—(1) Where it appears to the Minister that owing to the condition of the roads or other causes the public school in any school section in any township is inaccessible, during certain months of the year, to any of the pupils entitled to attend such school, the Minister may require the council to form a new school section or the board to provide a second school in their section, or to provide transportation to and from the school for such pupils.

Determining
months in
which second
school to
be open.

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend such second school.

Grant.

(3) Any grant in either case from the assisted school fund shall be supplemented by equal amounts from the townships and county councils.

Attendance
at school
when second
school closed.

(4) The provisions of subsection 1 of section 6 shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of such school section from the duty of providing school accommodation for such pupils during such periods. 1920, c. 100, s. 30.

SECTIONS IN UNORGANIZED TOWNSHIPS.

Formation
of school
sections.

41.—(1) The inspector may form an unorganized township or part of an unorganized township or parts of two or more adjoining unorganized townships into a school section.

Limits of
section.

(2) The section shall not, in length or breadth, exceed five miles, and subject to this restriction, the boundaries may be altered by the inspector from time to time.

Inspector
may trans-
fer land to
contiguous
school section.

(3) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section on land contiguous to another school section may alter

the boundaries of such sections so as to transfer such land from one section to the other, but such transfer shall not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested. 1920, c. 100, s. 31 (1-3).

(4) A person whose place of residence is distant more than three miles by the nearest public highway from the school of the section shall be exempt from all rates for school purposes unless a child of such person attends such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within such distance, nor to the lands of non-residents, nor to the lands of residents in the section who have no children of school age, nor in any case to the lands of residents in a consolidated school section. 1920, c. 100, s. 31 (4); 1924, c. 82, s. 8.

Exemption
from rate on
account of
distance.

(5) After the formation of a section any two ratepayers in the section may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint a time and place for a meeting for the election of three school trustees for the section.

Election of
school
trustees.

(6) The trustees elected at such meeting or at any subsequent school meeting of the section shall have the powers and be subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with the provisions of this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school, but in other respects any alteration of the boundaries of a section shall go into operation on the 25th day of December next after such alteration and not before. 1920, c. 100, s. 31 (5, 6).

Trustees'
powers and
obligations.

42.—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct.

Sections to
be divided
into groups.

(2) The treasurers of the boards in a group shall constitute a court for the revision of the school assessment rolls of the sections in the group, and for the hearing and determination of any appeals against the same, and the members of such court shall be paid reasonable travelling expenses by their respective boards for their attendance.

Court of
revision.

(3) Where from the sparseness of settlements it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector on the request of any board may assume the functions of a court of

When in-
spector to act
as court of
revision.

revision for the section on behalf of which the request is made, and all the proceedings of the inspector in the matter shall be subject to the provisions of this Act and shall have the same effect as if made in a court of revision constituted under subsection 2. 1920, c. 100, s. 32.

Annual
assessment
roll.

43.—(1) The board shall, annually, at their first meeting, and not later than the 1st day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the section, and the secretary shall submit a certified copy of the same to the proper court for revision. 1920, c. 100, s. 33 (1).

Appointment
of assessor for
new section.

(a) Where a new school section is formed after the 1st day of March in any year, the appointment of an assessor shall be made as soon after its formation as possible. 1925, c. 78, s. 4.

Notice of
assessment.

(2) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by mailing the same by registered post to his last known address, or, if his address is unknown, by posting up the same in the post office nearest to the land assessed.

Assessor
to make
oath.

Rev. Stat.
c. 238.

(3) The assessor shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in the section, and shall, before returning his assessment roll to the secretary of the board, attach thereto a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*.

Return of
roll.

(4) The assessor shall return the assessment roll to the secretary not later than the 1st day of June of the year in which the assessment is made.

Appeal
against
assessment.

(5) A copy of the roll so certified shall be open to inspection by all persons interested at some convenient place in the section, notice whereof signed by the secretary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment.

Posting up
notice.

(6) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed by registered post to the last known addresses of non-resident ratepayers.

Manner of
appeal.

(7) Subject to the provisions of clauses *a* and *b*, all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision, from municipal assessments, and the court of revision shall have the same powers as municipal courts of revision.

(a) The notice of appeal shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 2.

(b) The court may appoint a competent person to be its clerk for each section or one for all the sections.

(8) The assessor, when making his assessment, shall enter in a book to be provided by the board the name, age and residence of every child between the ages of five and twenty-one years resident in the section and the name and residence of such child's parents or guardian, and shall, with the assessment roll, return the book to the secretary, and the secretary shall include a copy of the particulars entered in the book in his annual report to the inspector. School census.

(9) The roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section until the roll for the succeeding year is passed and signed as aforesaid. 1920, c. 100, s. 33 (2-9). Confirmed roll binding.

44.—(1) Any part of an unorganized township which forms part of a union section, the remainder of which is an organized municipality or part of an organized municipality, shall for public school purposes be deemed to be annexed to such organized municipality, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to any part thereof which lies within the organized municipality. Assessment of portion of unorganized township forming with organized municipality, a union school section.

(2) Where a union section is composed of a town in a provisional judicial district and of a portion of any other organized municipality and any part of an unorganized township the part of the unorganized township included in the school section shall, for public school purposes, be deemed to be annexed to the town and form part thereof, and the officers of the town shall make any assessments and collect all taxes and do all such other acts and perform such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to the town. 1920, c. 100, s. 34. Where joined with a town in a judicial district.

45.—(1) In unorganized townships the board of a section may issue debentures for the purchase of a school site and the erection of a school house, for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided by *The Municipal Act*, provided that the issue of Issuing debentures for school sites and houses. Rev. Stat., c. 233.

the debentures has been sanctioned at a special meeting of the ratepayers of the section.

Signing
and sealing
debentures.

(2) The debentures shall be signed by the trustees and shall be sealed with the corporate seal of the board, and shall be a charge upon the taxable property of the public school supporters of the section. 1920 c. 100, s. 35.

Appointment
and duties of
school collec-
tor.

46.—(1) The board may appoint some competent person who may be a member thereof to collect the rates imposed by them upon the ratepayers of their section, or the sums which the inhabitants or others may have subscribed, and may pay to such collector at the rate of not less than five nor more than ten per centum on the moneys collected by him; and every collector shall give security satisfactory to the board and the security shall be lodged for safe keeping with the inspector.

Powers and
liabilities
of school
collector.

(2) Every collector shall have the same powers in collecting the school rate or subscriptions, and shall be under the same liabilities and obligations and proceed in the same manner in the section or township, as a township collector in collecting rates in his township as provided by *The Assessment Act*.

Rev. Stat.,
c. 238.

Return of
arrears of
taxes in
unorganized
territory.

(3) The collector shall, on or before the 1st day of June in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.

Entry in
sheriff's
book.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payments
of arrears
thereafter.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the same became due, but in the case of payments made before the expiration of such period the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him.

When
arrears to
be paid to
sheriff.

(6) After the expiration of such period all such arrears shall be payable to the sheriff who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

Sale of
land for
arrears.

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to

such sale and the provisions applicable to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities. 1920, c. 100, s. 36.

SCHOOLS IN UNSURVEYED DISTRICTS.

47.—(1) In any part of Ontario not surveyed into townships five of the inhabitants thereof who are twenty-one years of age may call a public meeting of such inhabitants, by giving such notice of the meeting as the public school inspector shall direct. Schools in unsurveyed districts.

(2) The meeting may elect three of the inhabitants to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act. Election of trustees.

(3) On receipt of a report from the inspector that a public school has been established and suitable accommodation and equipment provided for public school purposes the Minister may pay over to the board, out of the appropriation made by this Legislature for public schools, such sum of money for the maintenance of such school as may be approved by the Lieutenant-Governor in Council. 1920, c. 100, s. 37. Notice to the Minister of Education.

48. In addition to any other remedy possessed by public school trustees in unorganized townships or in unsurveyed territory, for the recovery of rates imposed under the authority of this Act, the trustees, with the approval of the inspector in writing signed by him, may bring an action in any court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor. 1921, c. 89, s. 6. Collection of rates in unorganized townships by action.

EXEMPTIONS.

49. No by-law of a municipal council passed after the 14th day of April, 1892, or hereafter passed, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind. 1920, c. 100, s. 38. Exemption by-laws not to include school taxes.

RETURN OF ANNUAL CENSUS.

50.—(1) The clerk of every county shall make a return to the Minister showing the population of each local municipality within the county, and the clerk of every city and of every separated town shall make a return showing the popula- Clerk to make returns of population.

tion of such city or town, as shown by their respective assessment rolls for the previous years, such returns to be made on or before the 1st day of April in each year.

Clerk to furnish inspector with school statistics.

(2) The clerk of every county shall furnish the inspector forthwith on demand with such school statistics in regard to assessments as the Minister may direct. 1920, c. 100, s. 39.

Clerk to give copy of assessment to inspector.

51.—(1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the other particulars required by section 34 of *The Assessment Act* as to the children in each section, and the cost of preparing this statement shall be paid by the board applying for the same.

Rev. Stat. c. 238.

Statement to be furnished to urban municipality by clerk of township.

(2) The clerk of every township in which a section is situate which is wholly or in part united to an urban municipality shall give to the clerk of the urban municipality such information as may be required regarding population and assessment in connection with such section. 1920, c. 100, s. 40.

APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS.

Apportionment of school money by township councils.

52. The council of every township may by by-law apportion among the school sections in the township the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section during the same period. 1920, c. 100, s. 41.

BORROWING POWERS.

In Urban Municipalities.

Debentures for school purposes.

53.—(1) The council of an urban municipality, on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for any one or more of the following purposes:—

- (a) The purchase or enlargement of a school site or building;
- (b) The purchase or enlargement of a site and the erection thereon of a building for the use of the board for administration or office purposes;
- (c) Obtaining and conveying, from beyond the school premises if necessary, a supply of water:

(d) The erection of a school house, drill hall, gymnasium or teacher's residence, or any addition to the same or any of them;

(e) Repairs or improvements of the school property;

(f) The purchase of furniture, furnishings, school apparatus, a school library and other equipment;

and it shall not be necessary that the by-law shall be submitted to the electors for their assent. 1920, c. 100, s. 42 (1); 1922, c. 98, s. 9; 1924, c. 82, s. 9.

(2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools.

Chargeable only on property of public school supporters.

(3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under *The Municipal Act* on money-by-laws and who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall pass the by-law and issue such debentures; and it shall not be necessary that the by-law shall be submitted to the electors for their assent.

Submission of question to vote of electors.

Rev. Stat. c. 233.

(4) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable by annual or other instalments, in the manner provided in *The Municipal Act*.

Form and term of debentures.

(5) The application for the issue of debentures by the board of an urban municipality to which part of an adjoining township is attached shall be subject to the provisions of this section, and where a by-law is submitted to the electors as provided in subsection 3, the vote shall be taken in the same manner as nearly as may be as at an election in a union school section consisting of an urban municipality and a portion of a township, but only those electors shall vote who are public school supporters qualified to vote on money by-laws under *The Municipal Act*.

Where application is made by urban board and part of township attached.

(6) Where the amount provided by a by-law passed under the authority of this section proves insufficient for the purposes for which the by-law was passed the council may pass another by-law for borrowing the remainder of the money required for such purposes; and all the provisions of this section shall apply to the application for the issue of debentures for the amount required, and to the passing of a by-law for that purpose. 1920, c. 100, s. 42 (2-6).

Where money borrowed proves insufficient

In Rural Sections.

Township
school de-
bentures.

54.—(1) On the application of a rural school board for the issue of debentures for any of the purposes mentioned in the next preceding section the council of the township shall pass a by-law therefor, and shall forthwith issue debentures to be payable out of the taxable property of the public school supporters of the section in such annual amounts as they may deem expedient, provided always that the proposal for the loan has been submitted to and sanctioned at a special meeting of the ratepayers called for the purpose.

To what
council
applica-
tions for
loans to
be made.

(2) The application for a loan for any of such purposes shall be made by the board of a union school section to the council of the municipality within which the school house or school site of such section is situate, and all debentures for the payment of the loan shall be issued by the corporation of such municipality.

Sanction
by rate-
payers.

(3) The application must be sanctioned by the ratepayers of the school section in the manner set forth in subsection 1. 1920, c. 100, s. 43 (1-3).

Application
of proceeds
of debentures
for school
buildings.

(4) Where the by-law authorizes the issue of debentures for the erection of buildings such proportion of the proceeds of the debentures as may be necessary may be applied for the purchase or enlargement of a school site upon which such buildings are to be erected. 1922, c. 98, s. 10.

Municipality
forming part
of union
section to
pay in
proportion

(5) The corporation or corporations of any other municipality or municipalities forming, or any part of which forms, part of the union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest as it comes due according to its or their liability as determined by section 38.

How
payable.

(6) The proportion of the moneys payable by the corporation of each of the municipalities shall be payable out of the taxable property of the public school supporters therein lying within the section.

Expenses
of publish-
ing by-laws.

(7) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such section.

Liability
for loan
where
boundaries
altered.

(8) Notwithstanding any alterations which may be made in the boundaries of a section the taxable property of the public school supporters situate therein at the time when such loan was effected shall continue to be liable for the rate which may be levied for the repayment of the loan. 1920, c. 100, s. 43 (4-7).

55.—(1) A rural school board may require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a school house, or an addition thereto, or a teacher's residence.

School property may be paid for by one special rate.

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. 1920, c. 100, s. 44.

Council not to levy more than one rate except in certain cases.

56. A rural school board may, with the consent of the rate-payers first obtained at a special meeting called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution for any or more of the following purposes: the purchase or enlargement of a school site, the erection of a school house, drill hall, gymnasium, or teacher's residence, or any addition to the same or any of them, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. 1920, c. 100, s. 45.

School corporations may borrow surplus moneys.

RATES.

57.—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality, or of the sections in the case of rural schools, in the manner provided in this Act, and in *The Municipal Act*, and *The Assessment Act*, such sums as may be required by the board for school purposes; and shall pay the same to the treasurer of the board from time to time as may be required by the board.

Councils to levy sums required by trustees.

Rev. Stat. cc. 233, 234

(2) In the case of a union school section formed of parts of townships, the sums levied and collected from the ratepayers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section.

Rates in union sections.

(3) Every municipal council shall annually account for all moneys collected for public school purposes, including any sum which has been collected in excess of the sums disbursed, on account of the public school or schools within such municipality or section, and shall pay over the same to the school board of the municipality or of the section. 1920, c. 100, s. 46.

And to account for same.

58.—(1) In addition to any sums which the council of a municipality may be bound to levy and collect under any section of this Act, the council of any municipality may make

Additional grants for school purposes.

grants as it may deem expedient for the purposes of public schools within the municipality, and may assess, levy and collect the sums required to pay the same by general rate upon all taxable property of public school supporters in the municipality.

Purposes for which aid may be granted.

(2) The purposes for which the rate mentioned in subsection 1 may be raised shall include, but shall not be limited to, the establishment and maintenance of school corporations, aiding new or weak schools, or continuation schools or fifth classes in the municipality, or the supplementing of teachers' salaries or retiring allowances. 1920, c. 100, s. 47.

Correction of errors in collection of rates in previous years.

59. Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. 1920, c. 100, s. 48.

Levying school rate where there is no public school in a municipality.

60. Where in any municipality there are persons entered on the assessment roll as public school supporters and there is no public school to which public school rates levied by the council of the municipality can be applied, there shall be assessed, levied, and collected annually upon the property of all persons assessed as public school supporters in such municipality, a rate equal to the average public school rate levied in the county for boards of public school trustees of villages, and of towns not separated from the county and of school sections, and the moneys so raised shall be set apart or invested by the council of the municipality in the manner provided by section 324 of *The Municipal Act*. 1920, c. 100, s. 49.

Rev. Stat. c. 233.

RURAL SCHOOL SECTIONS.

School sections in townships.

61.—(1) Where not already so subdivided the municipal council of every township shall subdivide the township into school sections so that every part of the township shall be included in some section, and shall distinguish each section by a number.

Assessors to value land situate in each section.

(2) Where the land or property of any person is situate within the limits of two or more sections the parts so situate shall be assessed and returned upon the assessment roll separately according to the divisions of the school sections within the limits of which the same are situate.

Area of new school sections.

(3) No section shall be formed which contains less than fifty children between the ages of five and twenty-one years whose parents or guardians are residents of the proposed section unless such proposed section is more than four square

miles in area, provided that a smaller area, although it contains a less number of such children, may be formed into a school section where, because of lakes or other physical conditions, a section convenient for school purposes containing an area of more than four square miles cannot be formed.

(4) Every township clerk shall prepare in triplicate a school map of the township showing the divisions of the township into school sections and parts of union school sections; and shall furnish one copy to the county clerk, for the use of the county council, one to the county or district school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the 1st day of December, to the local inspector information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of a union section within the township. 1920, c. 100, s. 50.

RURAL SCHOOL TRUSTEES.

62.—(1) The trustees of every rural school section shall be a corporation by the name of "The Public School Board of Section No. of the Township of in the County of " (inserting the number of the section and the names of the township and county). Trustees to be corporation.

(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected. Trustees,—term of office of.

(3) The persons qualified to be elected trustees shall be such persons as are British subjects, of the full age of twenty-one years, not disqualified under this Act, and who are Trustees, qualification of.

(a) resident ratepayers; or

(b) the husbands, wives, sons, daughters, brothers and sisters of persons assessed as actual owners of farms where such husbands, wives, sons, daughter, brothers, or sisters are resident on the farm with the persons so assessed;

and no person not so qualified shall be elected or competent to act as trustee.

(4) For the purposes of subsection 3, "farm" shall mean not less than twenty acres of land in the actual occupation of the owner thereof. 1920, c. 100, s. 51. "Farm," meaning of.

63.—(1) At the first election in every new section the first trustee elected shall hold office for three years, the second for two years, and the third for one year; or in case of a poll being taken the trustee receiving the highest number of votes Elections in new sections

shall hold office for three years; the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Casting
vote.

(2) Where two or more trustees have received an equal number of votes the chairman shall give a casting vote or votes.

When first
year to be
deemed to
commence
and end.

(3) The first year in each case shall be deemed to commence at the date of such first election and extend till the date fixed by this Act for holding the second annual meeting of ratepayers thereafter. 1920, c. 100, s. 52.

Corporation
not to cease
by want
of trustees.

64. A school corporation shall not cease to exist by reason of the want of trustees, but if there are no trustees any two electors of the section, or the inspector, by giving six days' notice to be posted up in at least three of the most public places of the section, may call a meeting of the electors who shall elect three trustees in the manner prescribed by this Act. 1920, c. 100, s. 53.

Council
may ap-
point
trustees
on non-
election.

65.—(1) Where the electors of a section for two years neglect or refuse to elect trustees the council of the township may appoint trustees for the section, one for three years, one for two years, and the third for one year, to be reckoned from the date upon which the last election should have been had by the electors, and may fill the vacancies on the board so long as the electors neglect to do so.

Dissolution
of school
section
on non-
election of
trustees.

(2) Instead of appointing trustees the council may by by-law declare the section dissolved and attach the same, in such proportions as they may deem expedient, to adjoining sections, and the assets of the section shall be disposed of as may be determined by the judge of the county or district court of the county or district in which the school is situate, the inspector, and one other person to be named by them, whose direction or the direction of a majority of them as to the disposition of the assets shall be carried out by the council. 1920, c. 100, s. 54.

Disposal of
assets at
dissolution
of section.

MEETINGS OF SCHOOL ELECTORS.

Annual
meeting
when held.

66.—(1) A meeting of the electors of every section for the purpose (among other things) of electing trustees shall be held annually on the last Wednesday in December, commencing at the hour of ten o'clock in the forenoon, or if the board by resolution so directs at the hour of one o'clock or eight o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution at the school house of the section. 1920, c. 100, s. 55 (1); 1921, c. 89, s. 7.

(2) Where a new section is formed the clerk shall fix the place for the first meeting and shall call the same for the fourth Wednesday after the time for appealing against the by-law forming the section has expired or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at least six clear days before the date when the meeting is to be held.

Proceedings on formation of new school section.

(3) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections.

Time and conduct of meeting.

(4) At any time after the election of trustees in a new school section proceedings may be taken under the provisions of this Act to raise money for and acquire a school site, erect school buildings and provide school equipment.

Procedure after election of trustees in new section.

(5) When any school meeting has not been held at the proper time the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days' notice to be posted up in at least three of the most public places in the school section; and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Meeting to be called in default of first or annual meeting.

(6) The electors present at a school meeting shall elect one of their number as chairman, and shall also appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act.

Organization of meeting.

(7) The chairman shall submit all motions to the meeting in the manner desired by the majority and shall be entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order subject to an appeal to the meeting.

Chairman, duties of.

(8) The business of every school meeting may be conducted in the following order:—

Order of business.

- (a) Receiving the annual report of the trustees and disposing of the same;
- (b) Receiving the annual report of the auditor and disposing of the same;
- (c) Electing an auditor for the ensuing year;
- (d) Miscellaneous business;
- (e) Instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture;
- (f) The election of trustees. 1920, c. 100, s. 55. (2-8).

Special
meeting,—
when to be
held.

(9) Where a special meeting of the electors of a school section is called the meeting shall be held at the hour of ten o'clock in the forenoon, or if the board by resolution so directs at the hour of one o'clock in the afternoon or eight o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution at the school house of the section. 1922, c. 98, s. 11.

VOTING ON ELECTIONS OR SCHOOL QUESTIONS IN A RURAL SECTION.

Qualifica-
tion of
voters.

67.—(1) Every person who is a ratepayer in a rural school section and every other person who is qualified to vote at municipal elections and who resides in the rural section and is not a supporter of separate schools, shall be entitled to vote at an election of trustees in the section and on every question submitted to a school meeting except a question involving expenditure of money on capital account.

When only
ratepayers
to vote.

(2) On a question involving the expenditure of money on capital account only such persons as are ratepayers in the school section shall be entitled to vote.

Persons
not British
subjects
excluded.

(3) A person who is not a British subject, or who is a citizen or subject of any foreign country shall not be entitled to vote at an election of school trustees in a rural school section or upon any school question. 1920, c. 100, s. 56.

Granting
poll.

68.—(1) A poll may be demanded by any two electors at a meeting for the election of trustees or for the settlement of any school question in a rural section, and such poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman.

Proceeding
in case of
a poll.

(2) Where a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded, and shall write therein the names and residences of the electors offering to vote within the time prescribed by this Act, and shall, in the column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name.

Poll-book.

(3) Where a poll is granted on any school question the secretary shall prepare a poll-book with two separate columns marked respectively "for" and "against;" and shall write therein the name and residence of each person voting on the question; and shall record his vote by setting the figure "1" opposite his name in the proper column so as to show how he votes on the question.

(4) If objection is made to the right of any person to vote, the chairman, if the name of such person appears on the assessment roll or on Part I or Part II of the Voters' List, shall require such person, where he votes as a ratepayer, to make the following declaration:—

(1) I, A.B., declare and affirm that I am an assessed ratepayer, in school section No. ———, When voter is objected to. Declaration by voter.

(2) That I am of the full age of twenty-one years;

(3) That I am a natural born (or naturalized) subject of His Majesty; and am not a citizen or subject of any foreign country;

(4) That I am a supporter of the public school in said school section No. ———;

(5) That I have a right to vote at this election;

or shall require such person where he votes as an elector who is not a ratepayer to make the following declaration:—

(1) I, A. B., declare and affirm that I am entered on the assessment roll (or voters' list) of this municipality as entitled to vote at municipal elections;

(2) That I am of the full age of twenty-one years;

(3) That I am a natural born (or naturalized) subject of His Majesty; and am not a citizen or subject of any foreign country;

(4) That I am not a supporter of any separate school;

(5) That I have been a resident of this school section for the six months last past;

(6) That I have a right to vote at this election.

After making such declaration the person making it shall be entitled to vote.

(5) The poll shall not close before noon but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than four o'clock in the afternoon. When poll shall close.

(6) When the meeting is held in the evening the electors may decide, by resolution, that the poll shall be conducted forthwith or at ten o'clock on the following morning; and if conducted in the evening the poll shall close after ten minutes has elapsed without any vote being recorded. Polling at evening meeting.

(7) When the poll is closed the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote. Counting votes—casting vote.

(8) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same, Declaration of result.

Copy of minutes and of poll-book for inspector.

(9) A correct copy of the minutes of every school meeting and a copy of the poll-book where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector.

Acceptance of office by trustees.

(10) The secretary of every school meeting at which any person is elected as trustee shall forthwith notify him in writing of his election, and of the name and address of the chairman of the meeting, and every person so notified shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the date of election.

Complaints as to elections.

(11) Where complaint is made to the inspector by an elector that the election of a trustee, or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint, and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting; and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceeding has not been affected thereby.

Clerk to supply list of school voters.

(12) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investigation with regard to the election of a trustee or the proceedings of a school meeting. 1920, c. 100, s. 57.

URBAN SCHOOL BOARDS.

Board to be a corporation.

69.—(1) Every board in urban municipalities shall be a corporation by the name of "The Public School Board," prefixing to the words "Public School Board" the name of the municipality for which the board is elected.

Who may be elected trustees.

(2) Any ratepayer in an urban municipality who is a British subject, and who resides in the municipality, or in the case of a city, or town, within one mile from the boundaries of the municipality, and who is of the full age of twenty-one years and not disqualified, may be elected a public school trustee and every trustee except as otherwise herein provided, shall continue in office until his successor has been elected, and a new board organized, but no person who is not a British subject shall be elected or competent to act as trustee. 1920, c. 100, s. 58.

- (a) The husband or wife of a person assessed as actual owner or tenant of land in the municipality for an amount sufficient to entitle him or her to vote at municipal elections shall be deemed a ratepayer within the meaning of this subsection, but shall not be eligible for election or to sit or vote as a member of the board while his or her wife or husband is a member of the board. 1927, c. 88, s. 5.

70.—(1) Where an unincorporated village becomes incorporated or a village or town changes its corporate status, or a portion of a township or portions of two or more townships is or are incorporated as a town, the board having jurisdiction over the school property situate within such village or town before its incorporation or before the change of its corporate status shall exercise all the powers conferred by this Act upon the board of an urban municipality until a new election of trustees is held. First election of trustees.

(2) Where an unincorporated village becomes incorporated the board shall call a meeting of the electors within one month after the date of the incorporation for the election of a new board. First meeting in newly incorporated village.

(3) In calling the meeting the provisions of section 75 shall be complied with so far as the same are applicable. Procedure for calling meeting. 1920, c. 100, s. 59.

[NOTE.—As to elections in a union school section including an urban municipality and a portion of a township, see section 36.]

Municipalities Divided into Wards.

71.—(1) For every ward into which an urban municipality is divided there shall be two trustees, each of whom shall, except as otherwise provided in this Act, continue in office for two years and until his successor has been elected and the new board organized. Trustees in city, etc., divided into wards.

(2) After the first election of trustees in any ward, or when from any cause the two trustees in any ward are elected simultaneously, one of them, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year and the other for two years, and after such first or simultaneous election one trustee shall be elected annually for each ward. 1920, c. 100, s. 60. Retirement by rotation.

72.—(1) The municipal council of a city having a population of over 100,000 and in which there is a board of public school trustees, may submit to the electors assessed as public Election of public school trustees by general vote.

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school supporters in the municipality in the manner provided by *The Municipal Act*, a question in the following form, namely,

Are you in favour of the election of members
of the public school board by general YES
vote of the electors of the city instead
of by wards? NO

and if the majority of the votes on the said question are in the affirmative, at the first annual election held thereafter nine trustees shall be elected of whom three shall hold office for three years, three for two years and the remaining three shall hold office for one year, to be determined by lot at the first meeting of the board, and each trustee shall hold office until his successor has been elected.

(a) Upon the organization of the board first elected after an affirmative vote the term of office of all trustees elected prior to the last election shall notwithstanding anything to the contrary in this Act expire.

Annual
election.

(2) After such first election, three trustees shall be elected annually by vote of the electors of the whole municipality, and such trustee shall hold office until his successor has been elected.

Election
of public
school
trustees
by wards.

(3) After such question has been submitted and carried in the affirmative, the system of election provided for in subsections 1 and 2 shall remain in force for three years succeeding the year in which the vote was taken, but the council may thereafter submit to the electors assessed as public school supporters the following question, namely,—

Are you in favour of electing public school YES
trustees by wards instead of by general
vote? NO

and if a majority of the persons voting on the said question vote in the affirmative then in the year next following that in which the vote is taken and for three years thereafter trustees shall be elected by wards in the manner provided by section 71. 1926, c. 67, s. 3.

Municipalities not divided into Wards.

Trustees
in villages
not divided
into wards.

73.—(1) The board of a town or village not divided into wards shall consist of six trustees each of whom, except as otherwise provided in this Act, shall continue in office for two years and until his successor has been elected and the new board organized.

Retirement
by rotation.

(2) After the first election three of the board, to be determined by lot at the first meeting of the board after their

election, which determination shall be entered upon the minutes, shall hold office for one year and the other three for two years, and after the first election three trustees shall be elected annually. 1920, c. 100, s. 61.

ELECTION OF TRUSTEES IN URBAN MUNICIPALITIES.

74. Every person named in the last revised voters' list as being entitled to vote at municipal elections, and who is not a supporter of separate schools, shall be entitled to vote at the election of school trustees in urban municipalities. 1920, c. 100, s. 62.

Qualifica-
tion of
voters.

75.—(1) Subject to the provisions of section 73 elections of public school trustees in urban municipalities shall be held in the manner following:—

Provisions
for elections
of trustees.

(a) A meeting of the electors for the nomination of candidates shall take place at noon on the last Wednesday in the month of December, annually, at such place as shall be fixed by resolution of the board, and in municipalities divided into wards in each ward thereof if the board so directs;

Nomina-
tions.

(b) The board shall by resolution before the second Wednesday in December in each year name the returning officers to preside at the meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer a chairman chosen by the meeting shall preside, and the board shall give at least six days' notice of such meeting;

Returning
officer.

(c) If at such meeting only the necessary number of candidates are proposed and seconded the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected and shall so notify the secretary; but if more candidates are nominated than are required to be elected the returning officer or chairman shall adjourn the proceedings until the first Wednesday in January then next when a poll or polls shall be opened at such place or places, and in each ward where the municipality is divided into wards, as shall be determined by resolution of the board;

Proceedings
at nomina-
tions.

(d) The polls shall be opened at the hour of ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, but any poll may be closed at any time after eleven o'clock in the forenoon when a full hour elapses without a vote having been polled;

Hours of
polling.

Furnishing voters' list in cities and towns divided into wards.

- (e) In urban municipalities and where township boards exist the clerk of the municipality shall furnish to the board, within three days after request in writing, "The Voters' List" of the municipality, together with a supplementary list either printed or in writing of the names of persons who are assessed as supporters of separate schools;

For each polling place.

- (f) The board shall provide each polling place with such lists, and a poll book; and the returning officer or deputy returning officers, or the poll clerk, shall enter in such book in separate columns the names of the candidates nominated, and shall write the names and residences of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter set the figure "1" opposite the voter's name;

Entries in poll book.

Oath to be administered when voter objected to.

- (g) When an objection is made to the right of a person to vote the returning officer or deputy returning officer shall require such person to make the following oath:—

Form of oath.

You swear (*or solemnly affirm*) that you are the person named (*or intended to be named*) in the list of voters now shown to you (*showing the list to voter*);

That you are of the full age of twenty-one years;

That you are a public school supporter [*or in the case of an elector who is not assessed as a ratepayer: That you are a resident in this municipality and are not a supporter of separate schools*];

That you are a natural-born or naturalized subject of His Majesty, and that you are not a citizen or subject of any foreign country;

That you have not before voted for school trustee at this election, at this or any other polling place in this ward (*or in this municipality where the municipality is not divided into wards*) for school trustee;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

And after making such oath the person making it shall be entitled to vote;

Duty of returning officer after close of election.

- (h) The returning officer or deputy returning officer shall, on the day after the close of the election, return the poll book to the secretary with his solemn declaration thereto annexed that the poll

book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer or deputy returning officer;

- (i) The secretary shall add up the number of votes for each candidate as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them; Duty of secretary.

- (j) When the result of the polling is indecisive by reason of two or more candidates having an equal number of votes all of such candidates shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll, shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election. Casting vote.

(2) Where trustees are elected by wards in the case of a town divided into wards, or in the cases provided for in subsection 4 of section 77, and the election of trustees is not by ballot, it shall be conducted as nearly as may be in accordance with the provisions of subsection 1. 1920, c. 100, s. 63. Open voting where election by wards.

ELECTION BY BALLOT.

76.—(1) The board of an urban municipality or a township board may, by resolution of which written notice shall be given to the clerk of the municipality on or before the 1st day of October in any year, require the election of school trustees for such urban municipality or township to be held by ballot on the same day as municipal councillors or aldermen are elected as the case may be. Elections of trustees on same day as municipal elections.

(2) Any such board may in like manner discontinue the use of the ballot on giving written notice to the clerk to that effect at the time hereinbefore mentioned, and thereafter the elections shall be conducted as provided in section 75. Trustees may discontinue use of ballot at elections.

(3) Where any such board requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time then the provisions of section 75 shall apply for a period of three years at least after such discontinuance. Ballot not to be discontinued or resumed for three years after the change.

(4) Where notice is given requiring the election to be held by ballot such election shall thereafter be held at the same time and place and by the same returning officer or officers Mode of conducting elections by ballot.

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c. 233.

and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act*, respecting the time and manner of holding the election, including the mode of receiving nominations for office, and the resignation of persons nominated, vacancies, and declarations of qualification and office, shall *mutatis mutandis* apply to the election.

Form of
ballot
papers.

(5) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the words or polling subdivisions containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen, and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter. 1920, c. 100, s. 64.

Election of
trustees
where
wards
abolished.

77.—(1) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

By vote of
electors of
whole munici-
pality.

(2) When such resolution has been adopted the election shall thereafter be by vote of the electors of the whole municipality.

Retirement
of trustees
by rotation.

(3) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the ratepayers of the whole municipality to fill the place of the same number retiring by rotation.

Filling
vacancies.

Election of
trustees
by wards in
certain
cities and
towns.

(4) In a city having a population of 20,000 or over, and until a resolution has been passed under subsection 1, in a city having a population of less than 20,000, and in a town, the trustees shall continue to be elected by wards notwithstanding that aldermen and members of the council are elected by general vote and not by wards.

Vote by
ballot.

(5) Where the trustees are elected by ballot the election shall be conducted as nearly as may be in the manner provided in section 76, and the officers for holding such election shall be appointed by the municipal council as if the election of aldermen or councillors by general vote had not been adopted for such city or town. 1920, c. 100, s. 65.

[NOTE.—As to elections in a union school section including an urban municipality and a portion of a township, see section 36.]

VACANCIES ON BOARD.

78.—(1) Where the office of trustee becomes vacant from any cause, the remaining trustees shall, except as provided in subsection 2, forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Vacancy in
office of
trustee.

(2) In the case of an urban municipality if such vacancy occurs within three months of the expiry of the term of office the remaining trustees may allow the office to remain vacant until the next ensuing annual election.

Special
case.

(3) Where the inspector reports that no persons duly qualified are available, the Minister may appoint as members of the board such persons as he may deem proper, and the persons so appointed shall have all the authority of a board as though they were eligible and duly elected according to the provisions of this Act. 1920, c. 100, s. 66.

Appointment
of trustees
on failure of
qualified
persons.

CONTROVERTED ELECTIONS.

79.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township board has been established shall be made to the judge of the county or district court within twenty days after such election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit and may cause such persons as he may deem expedient to appear before him and give evidence.

Investiga-
tion of
complaint
by judge.

(2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed; and if the judge determines that any other person was duly elected he may order such person to be admitted; and if the judge determines that no person was duly elected he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board. 1920, c. 100, s. 67.

Powers of
judge.

80. In the case of an election of trustees in an urban municipality or in a township for which a township board has been established the provisions of *The Municipal Act*, as to bribery and undue influence shall apply, and in every case in which an election is complained of on those grounds the enquiry by the judge in reference thereto shall be by oral testimony only. 1920, c. 100, s. 68.

Bribery
and undue
influence.
Rev. Stat.,
c. 233.

RESIGNATIONS.

Trustees
may resign.

81.—(1) A trustee of a rural section may resign by giving notice in writing to each of the other trustees.

Re-election
of any
trustee
lawful.

(2) Where after the resignation of a rural school trustee he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat, or for the holding of a new election, he shall be deemed to have continued to be a trustee, notwithstanding his resignation, and shall hold office for the residue of the term for which he was elected.

Urban
trustee
may resign.

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary.

Trustees
resigning
but continu-
ing to act.

(4) A retiring trustee shall be exempted from serving for four years next after leaving office, but he may with his own consent be re-elected. 1920, c. 100, s. 69.

MEETINGS OF BOARDS.

First meet-
ing of
board.

82.—(1) Every urban board shall hold its first meeting in each year on the third Wednesday in January at the hour of seven o'clock in the evening or at such other hour on the same day and at such place as may have been fixed by resolution of the former board, or, if no place has been so fixed, at the usual place of meeting of the council of the municipality.

Chairman.

(2) The secretary shall preside at the election of chairman, or if there is no secretary or in his absence, the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member.

Casting
vote.

(3) In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Quorum.

(4) The presence of a majority of the members constituting a board shall be a quorum at any meeting and a vote of the majority of such quorum shall be necessary to bind the corporation.

Equality
of votes.

(5) On every question other than the election of a chairman the chairman or presiding officer of the board may vote with the other members of the board, and any question on which there is an equality of votes shall be deemed to be negatived. 1920, c. 100, s. 70.

Organiza-
tion of
board at
first
meeting.

83.—(1) Subject to the provisions of subsection 4 of section 66, every rural school board shall hold its first meeting in each year at the school house of the section on the Wednesday following the annual meeting at the hour of four o'clock

in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer.

(2) Subsequent meetings shall be held at such time and place as the board may deem expedient. Subsequent meetings.

(3) The presence of a majority of the members constituting a board shall be necessary to form a quorum. 1920, c. 100, s. 71. Quorum.

84. No act or proceeding of a rural school board which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding. 1920, c. 100, s. 72. Regularity of proceedings.

NON-RESIDENT PUPILS.

85.—(1) The board shall admit to the school any non-resident pupil if the inspector reports that the accommodation is sufficient for the admission of such pupil and that the school is more accessible for him than the school in the section in which the pupil resides. 1922, c. 98, s. 12. Admission of non-resident pupils.

(2) The parent or guardian of such non-resident pupil shall pay such fees monthly as may be prescribed by the board, but such fees, together with the taxes, if any, paid by the parent or guardian to such school, shall not exceed the average cost per pupil of the maintenance of the school. 1920, c. 100, s. 73 (2). Fees of non-resident pupils.

(3) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section in which he resides, but the board of that section shall remit to the parent or guardian any rates so payable to the extent of the amount of the fees so paid to the board of the neighbouring section. 1920, c. 100, s. 73 (3); 1922, c. 98, s. 13. A resident of one section sending his children to another section.

(4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents. Attendance of children of non-residents.

(5) Where the children attending a neighbouring section reside three miles or more by the nearest public road from the school house in the section to which they belong the board of the section in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring section. 1920, c. 100, s. 73 (4-5). Remission of school tax where certain fees paid.

(6) A person of school age maintained in a county house of refuge or a children's shelter, shall be deemed to be a non-resident and the county council shall pay to the board of the Pupils in house of refuge.

school attended by such person such monthly fees as may be agreed upon, or at least the average cost per pupil of the maintenance of the school. 1920, c. 100, s. 73 (6); 1925, c. 78, s. 5.

Providing
for admis-
sion of
pupils from
rural school
section to
urban or
Indian
schools.

86.—(1) The electors of a rural section may by resolution at the annual or any special meeting authorize the board to provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of sections 108 and 109.

Payment
of fees
and ex-
penses of
conveying
pupils to
and from
school.

(2) The first mentioned board may levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of such urban municipality or school section and to pay for the conveyance of the pupils to and from such schools, and also such other sums as they may deem expedient or as may be required by this Act.

Expenses
payable by
township.

(3) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsection 1 of section 108 and subsections 1 and 2 of section 109, to be levied, collected and applied to teachers' salaries.

Share of
grants.

(4) The board shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister in case the amount received from the township council is not sufficient to cover such actual disbursements. 1920, c. 100, s. 74.

Agreements
between
boards as
to school
accommoda-
tion.

87.—(1) The board of education or board of public school trustees in an urban municipality may agree with the board of public school trustees of an urban municipality or school section or township school area adjacent to the boundaries of such first mentioned urban municipality for the erection by either or any of the boards of a school or schools in such adjacent urban municipality, school section or township school area or in such first mentioned municipality for the joint accommodation of pupils from such adjacent urban municipality, school section or township school area and from such first mentioned urban municipality or from any designated area thereof contiguous to such township municipality, school section or township school area or for the joint use of a school

or schools in any such school section or municipality by pupils from such first mentioned urban municipality and from such adjacent urban municipality, school section or township school area or such designated area.

- (a) Where any such agreement heretofore or hereafter made provides that a part of the annual expenditure for maintenance and for the payment of the debenture debt shall be borne by each board, the assessment shall be equalized annually by a board of arbitrators, one of whom shall be appointed by each of the boards interested and in the case of the number so appointed being an even number the judge of the county or district court shall be a member of the board and the chairman thereof. Equalization of assessment.
1925, c. 78, s. 6.

(2) The agreement shall fix the accommodation to be provided, and where the schools are to be erected, provide for the erection thereof and the class of buildings to be erected and shall also fix the proportion of the cost of providing such accommodation or of erecting and maintaining the school to be contributed by the urban municipality, the school section and the township school area respectively. Terms of agreement.

(3) Each of the boards shall include in its annual estimates an amount sufficient to pay its proportion of such cost, and the same shall be levied, collected and paid over by the corporation of the urban municipality and the corporation of the township as part of the rate levied for public school purposes in the urban municipality or in the school section or township school area. Raising proportion of cost.

(4) The agreement shall not be binding nor shall it be acted upon until it has received the approval in writing of the Minister. Agreement to be approved by Minister.

(5) The Minister may make regulations in the manner provided by *The Department of Education Act* for the apportionment of the legislative and municipal grants in the case of schools to which this section applies and may fix the proportion which shall be paid on account of any such schools out of the legislative grants for rural and urban schools respectively, and the proportion of the municipal grant to rural schools which shall be paid on account of such school. Regulations. Rev. Stat. c. 322.
1921, c. 89, s. 8, *part*.

DUTIES OF TRUSTEES.

88. It shall be the duty of the boards of all public schools and they shall have power,— Duties of board.

- (a) to appoint a secretary and a treasurer or a secretary-treasurer, who may be a member of the board, and to appoint such committees, officers and servants as may be deemed expedient; Appointment of officers.

To fix
meetings
of the
board.

- (b) to fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a correct account of the proceedings of such meetings and to transmit to the Minister all returns and reports required by the regulations;

Inspection
of school
property
at first
meeting
of board.

- (c) in the case of a rural school board at the first meeting of the board to examine the school house, out-buildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the school house and premises in a cleanly and sanitary condition by appointing some person for that purpose;

To provide
accommoda-
tion.

- (d) to provide adequate accommodation for all children between the ages of five and sixteen years resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included;

Rev. Stat.
c. 328.

To provide
and main-
tain school
premises.

- (e) to acquire or rent school sites and premises, and to build, repair, furnish, and keep in order the school houses, furniture, fences and all other school property, and to keep the wells, closets and premises in a proper sanitary condition;

To procure
books and
appliances.

- (f) to procure registers, maps, globes, apparatus and, if deemed expedient, prize books, and to establish and maintain school libraries;

To deter-
mine num-
ber and
kind of
schools, etc.

- (g) to determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the terms on which they are to be employed and their remuneration and rank, whether principals or assistants;

To keep
school
open and
establish
classes, etc.

- (h) to keep open each school during the whole period of the school year, except where it is otherwise provided by this Act, and if deemed expedient to establish kindergartens and classes for industrial training and instruction in household science, and establish school gardens and summer or vacation schools;

Rural
school—
reporting
deaf, dumb
and blind.

- (i) in the case of a rural school board, to ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and dumb and who

would otherwise be required to attend the school under their charge;

- (j) to provide and pay for such dental and medical inspection of the pupils as the regulations may prescribe, or, in the absence of regulations, as the board may deem proper, but this clause shall not apply to the board of education of a city having a population of over 200,000. 1920, c. 100, s. 76, cls. (a-j). Dental and medical inspection.
- (k) subject to the regulations to provide and pay for such medical and dental inspection of the pupils by officers of the local boards of health; 1924, c. 83, s. 3. Inspection by local board of health.
- (l) to expel from the school a pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to the other pupils; Dismissal of refractory pupils.
- (m) if deemed expedient to purchase for the use of pupils text-books and other school supplies, and either to furnish the same to the pupils free of charge or to collect for the use thereof from their parents or guardians a sum not exceeding twenty cents per month per pupil to defray the cost thereof; Books and school supplies.
- (n) if deemed expedient to exempt any indigent person from the payment of school rates, in whole or in part, and to notify the clerk of the municipality of such exemption on or before the 1st day of August, and where deemed necessary to provide for the children of such person text-books and other school supplies at the expense of the board; Exemption of indigent persons from school rates.
- (o) to provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors, and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board incurred by the authority of the board; Urban boards to pay officials and maintenance expenses.
- (p) to submit to the municipal council, on or before the 1st day of August, or at such time as may be required by the council, an estimate for the current year of the expenses of the schools under their charge; To lay before council estimates for moneys.
- (q) to provide, in the case of rural schools, for the payment of a secretary's and teachers' salaries monthly and, if necessary, to borrow on the promissory Payment of teachers' salaries.

note of the board, under its corporate seal, at interest not exceeding eight per centum per annum, such moneys as may be required for that purpose until the taxes imposed therefor are collected;

To publish
auditors'
report.

- (r) to submit, in the case of urban municipalities, all accounts, books and vouchers to be audited by the municipal auditors whose duty it shall be to audit the same, and to publish as soon as the audit is made in one or more of the public newspapers, or otherwise, an abstract of the annual report of the auditors with their findings and recommendations;

Custody
and dis-
posal of
school
property.

- (s) to take possession of all property acquired or given for public school purposes and to hold the same according to the terms on which it was acquired or given; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause, to convey the same under their corporate seal, and to apply the proceeds thereof for school purposes or as directed by this Act;

Supple-
menting
superan-
nuation
allowances.

- (t) to supplement out of school funds, as deemed expedient, any allowance payable under this Act to superannuated teachers;

Execution
of teachers'
agreements.

- (u) to execute the agreement with each teacher required by subsection 1 of section 103, and to procure the execution thereof by the teacher before he enters upon his duties;

Use of
school house.

- (v) to permit the school house and premises to be used for any educational or other lawful purposes which may be deemed proper, provided the proper conduct of the school is not interfered with;

Evening
lectures.

- (w) if deemed expedient and subject to the regulations to establish, conduct and maintain free lectures open to the public, and to include in their estimate for the current year the expense thereof;

Dismissal
of secre-
tary or
treasurer.

- (x) if deemed expedient to dismiss the secretary or treasurer at any time and thereupon to make a new appointment to fill the vacancy;

Penny sav-
ings banks.

- (y) if deemed expedient to provide books, stationery and other materials necessary in connection with the establishment and maintenance of a penny savings bank, or any system introduced for the encouragement of thrift and the habit of saving;

Providing
surgical
treatment
for children
in certain
cases.

- (z) if deemed expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion

of the teacher and (where a school nurse and medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parent or guardian of such child; 1920, c. 100, s. 76, cls. (*k-y*).

- (aa) in cities of 100,000 population and over, to provide Special classes for blind and deaf. if deemed expedient, and subject to the approval of the Minister, special classes for the instruction of blind or deaf and dumb pupils residing within the municipality. 1924, c. 82, s. 10.

89. The board of a city, when so requested in writing by a charitable organization having the charge of children of school age, in the city or in any contiguous municipality, may employ teachers for such children and may furnish for their use all school supplies and such children shall be considered public school pupils and shall be subject to the provisions of this Act. 1920, c. 100, s. 77. Employing teachers in charitable institutions.

90.—(1) An urban board may expend such sums as it may deem expedient for establishing and maintaining cadet corps and in promoting and encouraging gymnastics and other athletic exercises but such sums shall not exceed \$200 per annum when the annual registered attendance of pupils does not exceed three thousand and \$50 additional for each additional thousand in attendance. Grant for encouragement of physical training.

(2) The board may also provide uniforms for classes in military drill. Military uniforms.

(3) Where a board of education has been established in any city or town the allowance for games to high schools and public schools may be consolidated, and games for the high schools and public schools held on the same day. 1920, c. 100, s. 78. Consolidation of funds for games.

91. The board may pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario. 1920, c. 100, s. 79. Travelling expenses attending teachers' association.

92. The board may provide for the transportation of pupils to and from a school maintained by it or which is used jointly by it and another board or other boards and any payment made or any liability heretofore made or incurred Board may provide for transportation of pupils.

for such purpose under agreement or otherwise is hereby validated and confirmed and declared to have been legally made or incurred. 1925, c. 78, s. 7.

DUTIES OF TREASURER.

Security to be given by secretary-treasurer.

93.—(1) The treasurer shall give such security as may be required by the board, and the security shall be deposited with the clerk of the municipality.

Trustees not to be sureties.

(2) A trustee shall not be surety for the treasurer or for any person entrusted with school money.

Duties.

(3) The treasurer shall receive all school moneys and shall account for the same and shall disburse all moneys as directed by the board, and he shall produce, when required by the board or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board. 1920, c. 100, s. 80.

DUTIES OF SECRETARY.

94. It shall be the duty of the secretary,—

Duties of secretary. Minutes of meetings.

(a) to keep a full and correct record of the proceedings of every meeting of the board in the minute book provided by the board for that purpose, and to see that the minutes, when confirmed, are signed by the chairman of the meeting; 1920, c. 100, s. 81, cl. (a);

Calling special meetings.

(b) in the case of a rural school section to call a special meeting of the board at the request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the same; 1920, c. 100, s. 81, cl. (b); 1924, c. 82, s. 11.

Names and addresses of trustees and teachers to be given to township clerk.

(c) in the case of a rural section to give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the municipality of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;

Notice of annual meeting and meetings to fill vacancies in board, etc.

(d) in the case of a rural section to give the notice required by this Act of each annual meeting of the ratepayers of the section; to call a special meeting of the ratepayers when directed by the board or on the request in writing of five electors for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school

auditor or for any other lawful school purpose; to cause notices of the time and place, and of the objects of such meeting, to be posted up in three or more public places in the section at least six clear days before the time of holding such meeting; and to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during such year and any further information that may be required by the Minister or by the regulations, such report to be signed by the trustees and by either or both of the auditors of the section;

Report at
annual meet-
ing.

- (e) to transmit to the inspector all returns on or before the 15th day of January in each year according to the forms prescribed by the regulations. 1920, c. 100, s. 81, cls. (c-e).

Annual and
semi-
annual
returns.

95. Where the secretary of a rural school section is not a member of the board he may be allowed such remuneration for his services and for attending to the repairs of the school house or premises as shall be fixed by the trustees, and where he is a member of the board he may be allowed compensation for his services as provided in subsection 3 of section 135. 1920, c. 100, s. 82.

Compensa-
tion of
secretary-
treasurer.

AUDITORS OF RURAL SECTIONS.

96.—(1) There shall be two auditors for every rural section, one of whom shall be elected annually by the ratepayers at the annual meeting or at a special meeting, and the other appointed by the board on or before the 1st day of December in each year.

Auditors.

(2) Where an auditor refuses or is unable to act or dies another may be elected or appointed in his place.

Filling
vacancies.

(3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

Appoint-
ment by
inspector.

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures which the auditors or either of them may require.

Trustees
and sec-
retary-
treasurer
to lay
accounts,
etc., before
auditors.

Time of
audit.

(5) The auditors, or one of them, shall on or immediately after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section.

Auditors
for con-
solidated
school.

(6) There shall be two auditors for every consolidated school, one of whom shall be appointed by the trustees and the other by the inspector. 1920, c. 100, s. 83.

Duties of
auditors.

97.—(1) It shall be the duty of the auditors to examine into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting.

Differences
between
auditors.

(2) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the inspector.

Report of
objections.

(3) If both auditors object to the lawfulness of any expenditure they shall report the matter to the annual meeting, and shall submit it to the Minister whose decision shall be final. 1920, c. 100, s. 84.

Powers of
auditors.

98. The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers, and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses. 1920, c. 100, s. 85.

May com-
plete audit
after time
prescribed.

99. An auditor who has entered upon an audit may complete the same although he has not done so within the time prescribed by this Act. 1920, c. 100, s. 86.

DUTIES OF TEACHERS.

100. It shall be the duty of every teacher :

Instruction
and
discipline.

(a) to teach diligently and faithfully the subjects in the public school course of study as prescribed by the regulations, to maintain proper order and discipline in the school ; to encourage the pupils in the pursuit of learning ; to inculcate by precept and example, respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues ;

Use of
English
language.

(b) to use the English language in instruction and in all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of

the pupil not understanding English, but recitations requiring the use of a text-book may be conducted in the language of the text-book;

- (c) to see that the school house is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon; to call the roll every day according to the register prescribed by the regulations; to enter in the visitors' book visits made to the school; to give the inspector, trustees and visitors access at all times to the register and visitors' book; and to deliver the register, the school-house key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased; Duties in and about the school house, registers, etc.
- (d) to classify the pupils according to the courses of study prescribed by the regulations; to conduct the school according to a time-table accessible to pupils and visitors; to prevent the use by pupils of unauthorized text-books in the school; to attend regularly the teachers' institutes in the inspectorate; to notify the board and the inspector of his absence from school and of the cause thereof, and to make at the end of each school term, and subject to revision by the inspector, such promotions from one class or form to another as he may deem expedient; Classification of scholars and conduct of classes.
- (e) to hold closing exercises of the school and to give due notice thereof to the board, to any school visitors who reside in the school section, and through the pupils to their parents or guardians, and to hold such examinations as may be required by the inspector for the promotion of pupils or for any other purpose as the inspector may direct; Examinations.
- (f) to furnish to the Minister and to the inspector any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports of the board as are required by the regulations; Information for Minister and inspector.
- (g) to give assiduous attention to the health and comfort of the pupils; to the cleanliness, temperature and ventilation of the school house; to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the play- Care of health of pupils. Preservation of school property.

grounds, and to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, or the unsanitary condition of the school house, outhouses or surroundings;

Infectious diseases among pupils.

- (h) to refuse admission to the school of any pupil who he believes is affected with or exposed to chicken-pox, smallpox, cholera, glanders, scarlet fever, scarlatina, diphtheria, whooping cough, measles, mumps or other infectious or contagious disease, or consumption until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed;

Disciplinary powers.

- (i) to suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board of such suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify such suspension. 1920, c. 100, s. 87.

Refusal to give up key, etc.

101. A teacher who refuses to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession shall not be a qualified teacher until restitution is made, and he shall also forfeit any claim which he may have against the board. 1920, c. 100, s. 88.

CHANGE OF AUTHORIZED TEXT-BOOKS.

Change of text-book.

102. An authorized text-book in actual use may be changed by the teacher for any other authorized text-book on the same subject with the written approval of the board and subject to the regulations. 1920, c. 100, s. 89.

AGREEMENTS.

Valid agreements with teachers.

103.—(1) Every agreement between a board and a teacher shall be in writing signed by the parties thereto and sealed with the seal of the board.

Qualified teacher defined.

(2) No person shall be employed or act as a teacher unless he holds a certificate of qualification.

(3) Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Proportion of salary to which teacher entitled.

(4) Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery, but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the board without a certificate. 1920, c. 100, s. 90 (1-4).

Cases of sickness or dental treatment.

(5) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. 1927, c. 88, s. 6 (1).

Absence of teacher in quarantine.

(6) All matters of difference between boards and teachers in regard to salary or other remuneration whatever may be the amount in dispute shall be determined in the division court of the division where the cause of action arose, subject to appeal, as provided by this Act. 1920, c. 100, s. 90 (6).

Provision in case of difference between teacher and trustees.

(7) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months' salary. 1927, c. 88, s. 6 (3).

Penalty on board for non-payment of salary.

TEACHERS' CERTIFICATES.

104.—(1) Any British subject of good moral character and physically fit to perform the duties of a teacher, may be awarded a certificate of qualification as a teacher upon passing the examinations prescribed by the regulations.

Several classes of certificates.

(2) Certificates granted before the 15th of February, 1871, shall remain in force according to the terms of the Act under which they were granted.

Former certificates continued.

(3) First-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall be valid throughout Ontario during good conduct.

First-class valid.

(4) Second-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall, if the holders thereof have taught for ten years in Ontario, be valid during good conduct within the territory for which they were granted.

Second-class valid.

Term of
certificates
generally.

(5) All other certificates shall be valid for such periods as the regulations prescribe.

Suspension
of certifi-
cate for
misconduct,
etc.

(6) The inspector may suspend the certificate of any teacher in his inspectorate for inefficiency, misconduct, or a violation of this Act or of the regulations or for wilful neglect or refusal to carry out his agreement with a board, and he shall give notice in writing to the Minister, to the board concerned and to the teacher of such suspension and of the reasons therefor.

Appeal to
Minister.

(7) The teacher may appeal to the Minister who may make such order or orders with regard to the suspension as he deems proper. 1920, c. 100, s. 91.

TEACHER'S INSTITUTES.

Organiza-
tion of
teachers'
institutes.

105.—(1) Subject to the regulations, teachers may organize themselves into teachers' institutes for the purpose of receiving instruction in methods of teaching and for discussing educational methods.

Aid to
teachers'
institutes
by the
Legislature
and equiva-
lent from
municipali-
ties.

(2) The Minister may out of any money appropriated for that purpose apportion \$25 to each teachers' institute so organized and conducted according to the Regulations where the number of teachers in an inspectorate or united inspectorate is one hundred or less, and where it is more than one hundred, \$25 for each additional one hundred or portion thereof, and the council of each county, city, or separated town, or town in territory without county organization shall pay annually to the president of each teachers' institute established within such county, city, or town a sum at least equal to the amount so apportioned.

City and
county
sharing.

(3) If the teacher in an inspectorate composed of a city and part of a county are united in one teachers' institute, the corporation of each municipality shall pay its share of the equivalent of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates.

In the
districts.

(4) In territory without county organization the Minister may apportion \$50 to each teachers' institute where there is no city or town council liable for such contribution. 1920, c. 100, s. 92.

LEGISLATIVE AND MUNICIPAL GRANTS.

Who to be
sub-treas-
urer.

106.—(1) With respect to all moneys received by him from the county treasurer a township treasurer shall be a sub-treasurer of the county treasurer, but the county council may by by-law constitute the county treasurer the sub-treasurer for municipalities not separated from the county.

(2) The treasurer of the school board of each city and separated town shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board.

Treasurers of cities and separated towns to receive grants.

(3) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county, city or town, as the case may be, and any bond or security given by a treasurer or sub-treasurer for duly accounting for and paying over moneys coming into their hands shall apply to school moneys, and may be enforced against the treasurer or sub-treasurer or his sureties in case of default on his or their part. 1920, c. 100, s. 93.

Responsibility of treasurer and sureties.

107.—(1) The treasurer of every county except where he acts as sub-treasurer also shall pay to the treasurer of every township within the county the legislative grant apportioned to the rural public and separate schools within the township.

County treasurer to pay legislative grant to township treasurers.

(2) The township treasurer shall pay to the boards of the rural public and separate schools within the township the amount of the legislative grant apportioned to such schools respectively.

Township treasurer's duties as to grants.

(3) Where the county treasurer acts as sub-treasurer also he shall perform the duty which is by subsection 2 to be performed by a township treasurer.

Where county treasurer is sub-treasurer.

(4) A statement showing the amount of the legislative grant apportioned to the school shall be sent to every board by the sub-treasurer or the township treasurer as the case may be.

Statement to be sent with grant.

(5) The payments to the boards under this section shall be made on the warrant of the proper inspector. 1920, c. 100, s. 94.

Payment on inspector's warrant.

108.—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, including portions of union school sections and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportions as such grant is apportioned.

County rate in aid of schools.

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to

County to raise equivalent to legislative grant for fifth classes.

the schools in the municipality for fifth classes, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned. 1920, c. 100, s. 95 (1, 2).

Apportion-
ment where
section in
two or more
counties.

(3) In case of a union school section composed of parts of two or more counties the council of each county shall pay a proportion of the whole sum required to be paid under subsections 1 and 2 which bears the same ratio to that sum as the assessed value of the part of the section in the county bears to the assessed value of the whole section, such assessed value to be according to the last revised assessment rolls of the local municipalities in which the section is situate. 1920, c. 100, s. 95 (3); 1924, c. 82, s. 12.

Apportion-
ment of
school
moneys in
united
counties.

(4) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming the union shall be liable only for sums payable in respect of public and separate schools within such county. 1920, c. 100, s. 95 (4).

Township
grant
towards
teachers'
salaries.

109.—(1) The council of each township in a county shall each year levy and collect by assessment upon the taxable property of the public school supporters of the whole township, not included in an urban municipality or annexed to an urban municipality for school purposes, at least the sum or sums set forth below for every public school where a teacher or a principal teacher is engaged for two consecutive terms and the additional sums set forth below where an assistant teacher is engaged for two consecutive terms:—

- (a) Where according to the equalized assessments the assessed value of all the taxable property of the public school supporters in such a township is at least equal to an average assessment of \$100,000 for each section therein, the sum of \$600 at least for every principal teacher and the additional sum of at least \$400 for every assistant teacher;
- (b) Where such assessed value is at least equal to an average assessment of \$60,000, but is less than an average assessment of \$100,000, for each section, at least \$500 for each principal and \$350 for each assistant;
- (c) Where such assessed value is at least equal to an average assessment of \$40,000, but is less than an average assessment of \$60,000, the sum of \$400 at least for each principal and \$300 for each assistant;
- (d) Where such assessed value is at least equal to an average assessment of \$30,000 but is less than

an average assessment of \$40,000, the sum of at least \$300 for each principal and \$200 for each assistant;

- (e) Where such assessed value is below an average assessment of \$30,000 the sum of at least \$150 for each principal and \$100 for each assistant teacher;
- (f) Where a teacher or principal teacher is engaged for one school term or longer, but for less than two consecutive school terms, a proportionate amount of the sums set forth above shall be levied and collected for every principal and every assistant teacher.

(2) In a township in territory without county organization, whatever its assessment may be, the council of the township shall each year levy and collect as aforesaid the sum of \$150 at least for every school where a teacher or principal teacher is engaged for two consecutive school terms, and a proportionate part of such sum where a teacher or principal teacher is engaged for one school term or longer, and an additional sum of at least \$100 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum where such assistant teacher is engaged for one school term or longer.

In townships in the districts.

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries. 1920, c. 100, s. 96 (1-3).

Application of township grant to teachers' salaries.

(4) In the case of a union school section formed of parts of townships the sums mentioned in subsections 1 and 2 shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 38. 1920, c. 100, s. 96 (4); 1921, c. 89, s. 9.

Township grants to union school sections.

110. Where part of the salary of a teacher in a rural school for any reason does not become payable or is withheld from him under the provisions of this Act, the sums payable respectively by the county, the township or townships, and the ratepayers and out of the legislative grant, on account of such salary, shall abate in the proportions in which they were respectively liable for the whole. 1920, c. 100, s. 97.

Abatement of amounts proportionately.

111. All moneys required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective boards from time to time as may be required by them. 1920, c. 100, s. 98.

Amounts required to be raised to be paid over as required.

112.—(1) Subject to the provisions of sections 20 to 26, the provisions of sections 108 to 110 shall apply to consolidated schools, but the amount of the township grant provided for by section 109 shall not be less than the total amount which

Consolidated schools.

would be paid to the boards of trustees of the school sections included in the consolidated school section had the sections not been consolidated, and if more teachers are employed in the consolidated school than were employed in the school sections, the grant shall be as for a principal teacher for each school consolidated, and as for an assistant teacher for each teacher in excess of the number of teachers employed in the sections at the time when consolidation took place. 1920, c. 100, s. 99.

Distribution of township grant on division of sections on forming consolidated school.

(2) Where upon the formation of a consolidated school section a public school section has been divided and each of the provisional sections so formed has become a part of a consolidated school section, the township grant for the public school section divided shall be apportioned between the consolidated school sections according to the assessment of each of the provisional sections.

When grant to be paid to independent section.

(3) Where one of the provisional sections becomes part of a consolidated school section and the remaining provisional section is continued as an independent section the whole of the township grant shall be paid to such independent section until it becomes part of a consolidated school section and thereupon the grant shall be distributed as provided in subsection 2.

Where remaining provisional section merged.

(4) Where a provisional section which has not been included in a consolidated school section ceases to remain an independent section and becomes a part of an adjoining school section by rearrangement of boundaries or by the formation of a union school section, the township grant formerly paid to the school section of which the provisional section formed a part shall be paid to the consolidated school section, or if more than one consolidated school section has been formed the township grant shall be apportioned to each of such consolidated school sections as provided in subsection 2. 1921, c. 89, s. 10.

Township grant not to be payable to consolidated school section including urban municipality.

(5) Where a consolidated school section includes an urban municipality the consolidated school section shall not share in the township grant to be levied and applied under section 109, and the portion of the township included in the consolidated school area shall be exempt from taxation for the purpose of raising the amount necessary for the payment of such township grant. 1922, c. 98, s. 15.

INSPECTORS.

Number. Limits of Inspectorates.

Minister to determine number of inspectors.

113.—(1) The Minister shall determine the number of inspectors to be appointed in every county, city or separated town, and thereafter whenever he deems it expedient may direct the appointment of additional inspectors in a county or city.

(2) Where the council of a county, or the board of education or the board of public school trustees of a city or separated town fails to appoint the number of inspectors which the Minister has determined that there should be appointed from the county, city or separated town, the Minister may appoint them; and the salary and expenses of any inspector so appointed shall be provided for and paid in the same manner as if he had been appointed by the council or school board.

Power of Minister to make appointments.

(3) No such appointment shall be made by the Minister until, in the case of a county, one month after the first meeting of the council after notice of the determination of the Minister, and, in the case of a city or separated town, within one month after the first meeting of the school board after such notice.

When Minister may make appointments.

(4) Where more inspectors than one are to be appointed for a county or for a city, the county council or the board of education or board of public school trustees, as the case may be, shall, subject to the approval of the Minister, define the limits of the inspectorate of each inspector, or in the case of a city may, subject to the like approval, assign such duties in addition to those prescribed by the regulations to each inspector as the board may deem expedient.

Where two inspectors appointed for a county or city.

(5) There shall not, without the consent of the Minister, be assigned to an inspector the duty of making a greater or a less number of visits of inspection than the number of such visits which according to the regulations may be assigned to one inspector.

Duties assigned to inspector.

(6) Where in a county, city or separated town there are more or less than the number of schools, the inspection of which according to the regulations should be assigned to the inspector or inspectors, an agreement may be made, with the approval of the Minister, for uniting for the purposes of inspection the whole or part of such county, city or separated town with an adjacent county or part of it; and where that is done the councils or school boards of the municipalities which have entered into the agreement shall provide for dividing the parts so united into inspectorates, the schools in each of which shall require the number of visits of inspection which according to the regulations may be assigned to one inspector, unless the Minister sanctions a variation therefrom and shall assign an inspector to, or appoint an inspector for, each of such inspectorates, and shall determine the proportion in which the salaries and expenses of the inspectors shall be paid by each corporation and school board, and the same shall be payable and shall be paid accordingly.

Provision for uniting for inspection whole or part of county, city, or separated town with adjacent county or part of it.

(7) Where, owing to the number of schools, it is impracticable to form inspectorates in accordance with the provisions of the next preceding subsection as many inspectorates as it is practicable to form may be formed if provision is made

Where impracticable to form such inspectorates.

for the inspection of such of the schools as are not included in any inspectorate by an inspector of an adjacent county, city or separated town.

Provision for proportion of time to be given to each school and the payment.

(8) Where provision is made for such inspection by an inspector of an adjacent county, city or separated town, the councils or school boards which enter into an agreement for that purpose shall, subject to the approval of the Minister, provide by agreement as to the proportion of the time of the inspector which shall be given to the schools in each of the municipalities and the proportion of his salary and expenses which shall be borne by each corporation and school board, and the same shall be payable and be paid accordingly.

Where no agreement made Minister may rearrange inspectorates.

(9) Where in the case to which subsection 6 applies no agreement is made under the provisions of the foregoing subsections before a day to be fixed by the Minister, the Minister may exercise any of the powers which might have been exercised by the council of the county or by the school board and may rearrange the inspectorates and assign or appoint inspectors to them or make provision for the inspection of any of the schools within the county, city or separated town by an inspector of a district or of another county, city or separated town, or the Minister may appoint an inspector or inspectors for the purpose of inspecting such schools.

Where such power exercised proportion of time and of salary to be determined by Minister.

(10) Where the power conferred upon the Minister by the next preceding subsection is exercised and the inspector of a district or of another county, city or separated town is appointed, the proportion of his time which shall be given to the schools in each county, city or separated town shall be determined by the Minister, and the proportion of his salary and expenses which shall be borne by each corporation and school board shall also be determined by him, and the same shall be payable and be paid accordingly.

Minister appointing under subs. 9 to fix proportion to be paid by county and school board, etc.

(11) Where the Minister, under the powers conferred by subsection 9, appoints a new inspector the Minister shall fix the proportions of his salary and expenses which shall be paid by the corporation of the county and the school board of the city or separated town in respect of the schools in such county, city or separated town the inspection of which is assigned to such inspector, and the same shall be payable and be paid accordingly.

Payment by county or school board.

(12) Any sum which is payable by the corporation of a county or by a school board under any of the foregoing subsections shall be provided for and paid in the same manner as if the inspector had been appointed by the corporation of the county or by the school board.

Agreement by Minister with county council.

(13) The Minister may enter into an agreement with the council of a county that the inspector or one of the inspectors of such county shall be inspector for a district inspectorate

and as to the proportion of the salary of such inspector, which shall be payable by the county and the Province respectively.

(14) The Minister whenever he deems it necessary shall fix the limits of every district inspectorate, and shall give notice by registered letter to the secretary of every school board in the territory without county organization of the inspectorate to which the school section or other division for which the board is elected is assigned. Minister to define inspectorate.

(15) Where a board of public school trustees or a board of education appoints an urban inspector the city or separated town for which such appointment is made shall constitute an urban inspectorate. Urban inspectorate.

(16) Every by-law or resolution passed and every agreement entered into by a municipal council or board under this section shall be subject to the approval of the Minister. Approval of municipal by-laws.

(17) When owing to the requirements of the regulations the Minister deems it expedient he may himself appoint a special inspector of public schools who shall be subject directly to his control, and whose salary and travelling expenses shall be paid by the Department of Education out of any moneys appropriated by the Legislature for the inspection of public schools. 1920, c. 100, s. 100. Appointment of special inspector by Minister.

Appointment.

114.—(1) The council of every county, by resolution passed at the first meeting held after being directed by the Minister to appoint an additional inspector or after a vacancy in the office of county inspector occurs, shall appoint an inspector. Appointment of inspector by county council.

(2) Where a vacancy occurs in the office of county inspector the warden of the county may appoint some legally qualified person to fill the vacancy until the next ensuing meeting of the county council. Vacancy in county.

(3) Where the Minister directs the appointment of an additional urban inspector or a vacancy occurs in the office of urban inspector, an inspector shall be appointed by the board by resolution passed at the first meeting held after receiving such direction or after such vacancy occurs. Appointment by urban board.

(4) The clerk of the county or the secretary of the board, as the case may be, shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered post. Resolution to be sent to Minister.

(5) Where a county council for one month after such meeting or where a public school board or board of education for one month after a vacancy occurs neglects to make an appointment the same may be made by the Minister. Appointment by Minister on default.

Ratification
of appoint-
ment by
Minister.

(6) Every appointment of a county or urban inspector shall be subject to ratification by the Minister and if not so ratified within one year after he enters upon his duties the engagement of the inspector shall terminate at the end of that period and the council or board shall appoint another inspector as provided by this Act.

Appoint-
ment of
district
inspector.

(7) District inspectors shall be appointed by the Lieutenant-Governor upon the recommendation of the Minister and shall hold office during pleasure.

Senior
inspector.

(8) Where more inspectors than one are appointed in a county or city the county council or the board may, subject to the approval of the Minister, designate one of the inspectors to be senior inspector and the senior inspector, in addition to the powers and duties of an inspector, shall have such other powers and perform such other duties as the Minister may prescribe. 1920, c. 100, s. 101.

Removal, Suspension or Dismissal.

Grounds
for dis-
missal.

115.—(1) An inspector may be suspended or removed from office or his certificate may be cancelled by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

Removal
by county
council
or board.

(2) The county council or board by which an inspector is appointed may suspend the inspector for neglect of duty, misconduct, inefficiency or physical infirmity.

Report to
Minister.

(3) The clerk of the county or secretary of the board, as the case may be, shall forthwith report such suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the inspector from office or cancel his certificate and the decision of the Minister shall be final.

Salary
during
suspension.

(4) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just. 1920, c. 100, s. 102.

Qualifications, etc.

Qualifica-
tion of
inspectors.

116.—(1) No person shall be appointed or act as an inspector of public schools who has been removed from the office of inspector by the Minister or who does not hold a certificate of qualification as prescribed by the regulations.

Inspector
shall not
have any
other office
or employ-
ment.

(2) An inspector who during his tenure of office holds any other office or employment or follows any other profession or calling, except the performance of such special duties as the Minister may require, without the approval of the Minister and of the county council of the county or of the board of the city or town in which his inspectorate lies shall forfeit his office as inspector. 1920, c. 100, s. 103.

117.—(1) Subject to the regulations it shall be the duty of every public school inspector,^{Duties of inspectors.}—

- (a) to visit in every year each school room in his inspectorate having a separate register as often and for such length of time on each occasion as the Minister may direct;
- (b) to prepare a report of every such visit in the form prescribed by the regulations;
- (c) to forward within one month after such visit a copy of every such report to the board within whose jurisdiction the school is situate;
- (d) to make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the county council and to the board of every city or separated town included in his inspectorate or in the case of an urban inspector to the board of the city or town only;
- (e) to report to the medical office of health of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;
- (f) to furnish the Minister with information respecting any public school in his inspectorate whenever required so to do;
- (g) to withhold his order for the amount apportioned from the legislative grant and to order the withholding of the municipal grant,—
 - (i) where any school has been kept open for less than six months in the year except where that has been caused by the school having been closed by order of the medical officer of health or local or provincial health authorities on account of the prevalence of any communicable disease;
 - (ii) where the board fails to transmit promptly the annual or other school returns properly filled up;
 - (iii) where the board fails to comply with this Act or with the regulations; or
 - (iv) where the teacher uses or permits to be used as a text-book any book not authorized by the regulations;

and in every case to report to the board and to the Minister his reasons for so doing;

(h) to discharge such other duties as may be required by the Minister or regulations;

(i) on retiring from office to deliver to his successor his official correspondence and all school papers in his custody on the order of the Minister or of the council of the county in which his inspectorate lies or of the board by which he was appointed.

Inspector
to be
responsible
to Minister.

(2) Every inspector shall be directly responsible to the Minister for the due performance of his duties and, subject to the regulations, shall obey the direction of the county council in the case of a county inspector and of the board in the case of an urban inspector.

Power to
administer
oaths.

(3) Where an inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness and he shall have the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases. 1920, c. 100, s. 104.

Salaries.

Inspectors'
salaries.

118.—(1) Every county inspector who was in office on the 1st day of May, 1926, shall be paid a salary at the rate of \$3,600 per annum.

When
appointed
after
May 1st,
1926.

(2) Every county inspector appointed after the 1st day of May, 1926, shall be paid for the first year of service at the rate of \$3,000 per annum and for each subsequent year's service at the rate of \$200 additional in each year until the salary amounts to \$3,600 per annum, and the first annual increase of \$200 shall be payable as from the 1st day of November of the year following that in which the inspector receives his appointment. 1927, c. 88, s. 7.

Contribu-
tions of
county and
province.

(3) Of the annual salary of every county inspector the county council shall pay to the inspector, in monthly instalments, the sum of \$1,200, and the remainder of the salary shall be payable by the Treasurer of Ontario to the inspector in monthly instalments out of the moneys appropriated for that purpose.

Agreement
for employ-
ment in
districts.

(4) An agreement may be entered into by the Minister for the employment of a county inspector as inspector in a provisional judicial district, but no such agreement shall affect the amount of the annual salary payable to an inspector under this Act.

Other
expenses.

(5) The county council shall also pay to the county inspector his reasonable expenses for travelling, printing, postage and stationery, and in case of dispute the amount thereof shall be settled by the judge of the county court upon the application of the inspector or of the council and the decision of the judge shall be final.

(6) The county council shall also provide the inspector with necessary office accommodation and furniture and clerical assistance, and in case of any difference between the county council and the inspector as to what is necessary the matter in dispute may be determined by the judge of the county court whose decision shall be final. Office accommodation, furniture, etc.

(7) The salary of an urban inspector shall be fixed by the board of public school trustees or board of education, of the city or town, and shall be payable by the treasurer of the board. Salaries of urban inspectors.

(8) Out of such moneys as may be appropriated for that purpose the Treasurer of Ontario shall annually pay in the month of December to the board of the city or separated town the sum of \$6 for every teacher occupying a separate room with a separate register and the amount so paid shall be applied towards the payment of the salary of the inspector. Contribution from Province.

(9) The salaries and travelling and other expenses of district inspectors shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of any moneys appropriated for that purpose, at such times and in such manner as the Minister may direct. 1920, c. 100, s. 105 (3-8). District inspectors.

ALLOWANCE TO ARBITRATORS AND INSPECTORS.

119. Arbitrators in making their award shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration and such determination shall be final and conclusive. 1920, c. 100, s. 106. Arbitrators to award costs.

120. Every person other than an inspector engaged as arbitrator on any matter arising under this Act shall be paid \$4 a day and travelling expenses. 1920, c. 100, s. 107. Allowance to arbitrators.

APPEALS FROM DIVISION COURT DECISIONS.

121.—(1) In an action between a teacher and a board under this Act the judge of the division court in which the action is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal. Appeals from division court judgment.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to a Divisional Court, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled "The Minister of Education for Ontario, Appellant, in the matter between (*naming the parties*)."

Appeal by Minister.

Transmis-
sion of
papers to
Supreme
Court.

(3) The judge shall thereupon transmit to the central office of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections.

Stay of
proceedings.

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined.

Direction
to the
court below.

(5) The Divisional Court shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith.

Costs.

(6) The Divisional Court may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office.

Right of
appeal.

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the division court. 1920, c. 100, s. 108.

SUPERANNUATION.

[As to rights of teachers and inspectors who have elected to take the benefit of The Teachers' and Inspectors' Superannuation Act, see section 12 of that Act.]

Superan-
nuation
fund.
Rev. Stat.
c. 331.

122. Every teacher and inspector who is not subject to *The Teachers' and Inspectors' Superannuation Act*, and whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers may continue to contribute to such fund in such manner as may be prescribed by the regulations the sum of at least \$4 annually, but no payment of arrears which accrued before the 1st day of January, 1885, shall be allowed. 1920, c. 100, s. 109.

Repayment
to wife, etc.,
of deceased
teacher.

123. On the death of such teacher or inspector, the wife, husband or legal representative of such teacher or inspector shall be entitled to receive the amount paid into such fund by such teacher or inspector with interest at the rate of seven per centum per annum. 1920, c. 100, s. 110.

Allowance
upon re-
tirement
at sixty
years of age.

124.—(1) Every such teacher and inspector who, while engaged in his profession, has contributed to the fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession, receive an annual allowance at the rate of \$6 per annum, or such larger rate as may be

approved by the Lieutenant-Governor in Council, for every year of service in Ontario, upon furnishing evidence of good moral character, age and length of service.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation under this Act by reason of his having retired from active service before reaching that age if he has served for a period of thirty years. Or after thirty years of service.

(3) Every teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability. Retirement through disability.

(4) Every superannuated teacher and inspector who holds a first or second-class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate or while he acted as principal of a high school or collegiate institute. Extra allowance to certain teachers.

(5) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place. When allowance to cease.

(6) If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector, his allowance shall be suspended during the time he is so engaged, and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the regulations. Teacher resuming profession. Again retiring.

(7) A teacher or inspector who, having resumed his profession, wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list. Forfeiture of claims.

(8) A teacher or inspector who retires from the profession, or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund. Repayment to contributors.

(9) Where a teacher or inspector does not avail himself of the provisions of section 122 or of subsection 8 of this section, the provisions of section 123 and subsections 1 to 7 of this section shall apply so far as relates to all sums already paid by him into the superannuation fund. Teachers not availing themselves of Act.

(10) The foregoing provisions of this section shall not apply to a teacher or inspector who has elected, as provided by *The Teachers' and Inspectors' Superannuation Act*, to become a contributor to the fund established under that Act. 1920, c. 100, s. 111. Teachers and inspectors electing to be subject to Rev. Stat. c. 331.

NOTE.—As to power of board to receive gifts, devises, bequests, see *The Mortmain and Charitable Uses Act*, Rev. Stat. c. 132, s. 13.

Right to
refund con-
tributions to
Ryerson
Fund.

125. A teacher or inspector who at the time of the coming into force of *The Teachers' and Inspectors' Superannuation Act* was a contributor to the fund dealt with in sections 122 to 124 and who elected to become subject to the provisions of the said Act may upon making application for superannuation under the said Act, give notice in writing to the Commission administering the Teachers' and Inspectors' Superannuation Fund abandoning any claim to the additional allowance provided for in clause *f* of section 5 of the said Act, and in that case he shall be entitled to be paid out of any funds provided for the payment of allowances under sections 122 to 124 the full amount of his contributions under the said sections, or under any provisions for which the same were substituted, and the said clause *f* shall cease to be applicable to him. 1925, c. 78, s. 25.

Retiring
allowance
to teachers,
officers
and
inspectors.

126. Where a teacher, inspector or officer of a board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board, in the case of a teacher, city inspector or other officer, and the county council in the case of a county inspector, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value of such annual allowance computed on the basis of interest at the rate of four per centum per annum. 1920, c. 100, s. 112.

INSTRUCTION IN AGRICULTURE, MANUAL TRAINING AND HOUSEHOLD SCIENCE.

Engagement
of instructor
in agricul-
ture by
township
council.

127.—(1) The council of a township may engage the services of a person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved of by the certificate of the Minister, or of an instructor qualified as required by the regulations to give instruction in agriculture, manual training and household science in the public schools of the municipality; and the council may levy and collect from the ratepayers of such municipality who are public school supporters such sums as may be necessary to pay the salaries of such instructors and all other expenses connected therewith.

Courses of
instruction.

(2) The courses of instruction shall be those prescribed by the regulations.

Engagement
by board.

(3) The board of a rural school section or of a union school section or a number of such boards may severally or jointly engage the services of any person qualified as provided in subsection 1 for the purpose of giving similar instruction to the pupils of their respective schools.

(4) The courses of instruction in agriculture, manual training and household science shall, as far as practicable, be open to all residents of the school section or municipality. 1920, c. 100, s. 113.

Course in agriculture to be open to all residents.

128.—(1) The high school board, the public school board and the separate school board, or the board of education and the separate school board or any of such boards in a city, town or village may enter into agreements with one another for the formation and carrying on of classes for instruction in agriculture, manual training and household science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes and the appointment of teachers therefor, and the proportion in which the cost thereof is to be borne by each board.

Manual training and domestic science classes in urban schools.

(2) The boards may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith to such committee or committees as they may see fit, composed of members of such boards or of one or more of them, and such committees may if the cost thereof has been included in the estimate mentioned in subsection 4 procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on such classes, and may engage teachers therefor.

Management under committee.

(3) The members of any such committee shall hold office during the pleasure of the board by which they are appointed.

Duration of office.

(4) The committees shall annually, on or before the 1st day of February, furnish to each board an estimate of the amount required for carrying on such classes during the then current year, and the boards shall include in the estimates to be furnished to the council of the city or town the proportion of the amount so required which is to be provided by the board, and the same shall be included in the school rates of the municipality and levied and collected therewith. 1920, c. 100, s. 114.

Providing for cost of instruction.

OFFENCES AND PENALTIES.

129. If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. 1920, c. 100, s. 115.

Use of unauthorized text-books.

130. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees shall incur a penalty of not less than \$5 and not more than \$10. 1920, c. 100, s. 116.

False declaration as to right to vote.

Refusing to serve.

Disqualified persons acting.

Penalty for refusal to perform duties.

Disqualification for certain offices.

Seat vacated by conviction for crime, etc.

Seat vacated by interest in contract with board.

When seat may be declared vacant.

Exception

131. A trustee who refuses to serve after being duly elected with his own consent shall incur a penalty of \$5, and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. 1920, c. 100, s. 117.

132. Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. 1920, c. 100, s. 118.

133. A trustee shall not be eligible for appointment as public school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of a high, public or separate school while he holds the office of inspector. 1920, c. 100, s. 119.

134. If a trustee is convicted of any indictable offence or becomes insane or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality, or in the case of a city within one mile of the city or within the school section for which he is a trustee, he shall *ipso facto* vacate his seat, and subject to the provisions of subsection 2 of section 78, the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. 1920, c. 100, s. 120.

135.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

(2) On the complaint of two ratepayers of the municipality or section or of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant, and, subject to the provisions of subsection 2 of section 78, the remaining trustee or trustees shall forthwith order a new election.

(3) Nothing in this section shall prevent a trustee receiving payment as provided by section 46, or prevent the board of a rural section from allowing the secretary or treasurer

such compensation for his services as may be approved at the annual meeting or at a special meeting of the ratepayers and duly entered in the minutes. 1920, c. 100, s. 121.

136. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 1920, c. 100, s. 122.

Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

137. Any person who wilfully interrupts or disquiets the proceedings of a school meeting, or a public school, by acting in a disorderly manner, or by making a noise either within the place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school shall for each offence incur a penalty not exceeding \$20. 1920, c. 100, s. 123.

Penalty for disturbing a school or school meeting.

138. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. 1920, c. 100, s. 124.

Penalty for chairman neglecting to report to inspector.

139. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school moneys are forfeited or lost to the municipality, section or board in consequence of such refusal or neglect every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer interested therein suing on behalf of himself and all ratepayers of the municipality or section interested in any court of competent jurisdiction; but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. 1920, c. 100, s. 125.

Liability for neglect to take security.

140. A secretary or a treasurer, and a person having been such secretary or treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money which came into his possession as such secretary, treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same or any part thereof to the person and in the manner directed by the board or by other competent authority. 1920, c. 100, s. 126.

Secretary-treasurer or trustee, refusing to deliver up books and moneys.

Summons
for appear-
ance.

141.—(1) Upon application to a judge of the county or district court by the board or by two ratepayers supported by affidavit showing such wrongful withholding or refusal, the judge may summon such secretary, treasurer, trustee or person to appear before him at a time and place appointed by him.

Service of
summons.

(2) Any bailiff of a division court, upon being requested so to do shall serve the summons or a true copy thereof on the person complained against personally, or by leaving the same with a grown-up person at his residence.

Hearing of
complaint
and order
thereon.

(3) At the time and place so appointed the judge, being satisfied that service has been made, shall in a summary manner and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded the judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

Order to
account.

Effect of
non-com-
pliance
with judge's
order.

(4) In the event of non-compliance with the order the judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money, in the manner directed by the board or other competent authority.

Discharge
on com-
pliance
with order.

(5) Upon proof of his having so done the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge
on terms.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just.

Other
remedy not
affected.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against the person complained against or against any other person. 1920, c. 100, s. 127.

Compelling
delivery of
books,
money, etc.,
on dissolu-
tion of
school
corporation.

142.—(1) Sections 140 and 141 shall apply to the case of any person who has in his possession any book, paper, chattel or money, which came into his possession as secretary, treasurer, or trustee, or otherwise of a board of trustees of a school section or urban municipality, which has been dissolved by reason of the annexation of such school section or urban municipality to a city, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner

directed by the board of education, the board of public school trustees or other competent authority in the city to which such school section or urban municipality has been annexed, and in default of his so doing, proceedings may be taken against him by the urban board, or by two ratepayers of the city, in the same manner as in the case provided for by section 141, and that section shall *mutatis mutandis* apply.

(2) Subsection 1 shall apply to every person who has received from such secretary, treasurer, trustee, or other person any book, paper, chattel or money which, by subsection 1, it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first mentioned person.

Application
of subs. 1.

(3) This section shall be deemed to have been in force since the 13th day of April, 1909. 1920, c. 100, s. 128.

Commence-
ment of
section.

143. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in their or his power which may be required of them or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. 1920, c. 100, s. 129.

Penalties on
trustees
refusing
informa-
tion, etc.,
to auditor.

144. If the board of a rural school section neglects to transmit to the inspector, in accordance with the regulations, a correct and verified statement of the attendance of pupils in each of the schools under its charge during the twelve months then immediately preceding the section shall not be entitled to its share of the legislative grant for such twelve months, and every member of the board so neglecting shall be personally responsible for the amount of the loss of such share. 1920, c. 100, s. 130.

Penalty for
neglect to
make
returns.

145. If the board of any school section neglects to prepare and forward such annual statement to their county inspector by the 15th day of January in every year, each of them shall, for every week thereafter until such statement has been prepared and presented, incur a penalty not exceeding \$5. 1920, c. 100, s. 131.

Penalty for
delaying
yearly
reports.

146. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall, for every offence incur a penalty not exceeding \$20. 1920, c. 100, s. 132.

Penalty for
false school
reports and
registers.

147. If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act he shall incur a penalty not exceeding \$10. 1920, c. 100, s. 133.

Clerk
neglecting
or refusing
to perform
duties.

Penalty for
not calling
school
meetings.

148. If an annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice shall incur a penalty of \$5. 1920, c. 100, s. 134.

N.B.—*A trustee, teacher, inspector or officer of the Department of Education, who is concerned or interested in the sale of books or supplies, and anyone employing or paying him to act as agent or otherwise, are liable to the penalties imposed by The Department of Education Act. See Rev. Stat., c. 322.*

Penalties
for not
maintaining
school as
required by
Act.

149. Where a board makes default in maintaining a public school during the whole school year or such part thereof as this Act requires every member of the board shall incur a penalty of \$5 for every week during which such default continues, unless he proves that he did everything in his power to prevent such default. 1920, c. 100, s. 135.

Recovery
and ap-
plication of
penalties.
Rev. Stat.
c. 121.

150. The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*, and shall be applied to such school purposes as the Minister may direct. 1920, c. 100, s. 136.

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CHAPTER 53.

The School Law Amendment Act, 1928.

Assented to 3rd April, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 41 of *The Public Schools Act* is repealed. Rev. Stat., c. 323, s. 41, subs. 4, repealed.

2. Subsection 4 of section 15 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat. c. 323, s. 15, subs. 4, repealed.

- (4) The election of school trustees for the township school area shall be by ballot and shall be held for the year following the year in which the by-law takes effect and in each year thereafter as nearly as may be in the same manner as an election of members of a municipal council and the clerk of the township shall be the returning officer at each election, and except as herein otherwise provided all the provisions of this Act applicable to the election of trustees by ballot shall apply as nearly as may be to the election of school trustees under this section. Township school area, election of trustees.
- (4a) Of the trustees elected at the first election the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year. Term of office.
- (4b) After the first election an election shall be held in each year to fill the places of trustees whose terms of office have expired and the trustees elected shall hold office for two years. Subsequent elections.
- (4c) In case at the first election of trustees two or more trustees receive an equal number of votes the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board. Equality of votes at first election.

Rev. Stat.
c. 325, s. 7,
subs. 2, cl. f,
repealed.

3. The clause lettered *f* in subsection 2 of section 7 of *The Continuation Schools Act* is repealed.

Rev. Stat.
c. 326, s. 6,
subs. 4,
repealed.

4. Subsection 4 of section 6 of *The High Schools Act* is repealed and the following substituted therefor:

Trustees of
high school
district.

(4) The board of trustees shall be composed of six members who shall be appointed by the council of the county.

Term of
office.

(4a) Two of the trustees so appointed shall be appointed in the first instance for three years, two for two years, and two for one year, and thereafter two trustees shall be appointed in each year to hold office for three years in place of those whose term has expired.

Rev. Stat.
c. 326,
amended.

5. *The High Schools Act* is amended by adding thereto the following section:

Consultative
committee.

39a.—(1) The council of any county in which the by-law mentioned in subsection 1 of section 34 is in force may establish a consultative committee which shall consist of the public school inspector or one of the inspectors where there are more than one for the county, an officer appointed by the Department of Education and three members to be appointed by the council.

Functions of
committee.

(2) The council may submit to the committee, and direct it to report upon petitions for the setting up of new high school districts or the modification or alteration of the boundaries of existing districts, and may direct the committee to obtain information and make recommendations regarding any question affecting the facilities for education in the continuation schools and high schools in the county and the liability of the county for the support of such schools and the cost to the county of the education of pupils in such schools.

Department
may employ
committee.

(3) The Department of Education may direct the committee to obtain information upon any question affecting applications for the approval of continuation schools or high schools or of sites and buildings for such schools.

Statements
from local
school
boards.

(4) Continuation school boards, high school boards and boards of education having control of schools within the county shall, upon application, furnish to the committee detailed statements of the names, residences and attendance of all resident, non-resident and county pupils and of all receipts and expenditures together with any further information which

the committee may require concerning matters which in any way affect the liability of the county or the cost of education of pupils.

- (5) The reports of the committee and the recommendations made by it shall be used for the purpose of obtaining information only, and the recommendations of the committee shall not be binding upon the Department, the county council or the boards in control of continuation schools or high schools.

Recommendations not to bind Department or council.

6.—(1) The clause lettered *b* in subsection 1 of section 50 of *The High Schools Act* is amended by inserting after the word “examiners” in the seventh line the words “the Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate.”

Rev. Stat., c. 326, s. 50, subs. 1, cl. *b*, amended.

(2) The clause lettered *a* in subsection 1 of section 51 of *The High Schools Act* is amended by inserting after the word “board” in the sixth line the words “The Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate.”

Rev. Stat., c. 326, s. 51, subs. 1, cl. *a*, amended.

7. Section 22 of *The Boards of Education Act* is amended by striking out the words “or who is appointed by the county council” in the second line and inserting in lieu thereof the words “or a member appointed by the county council who is not a resident of the high school district” and by adding at the end thereof the words “in such district,” so that the section will now read as follows:

Rev. Stat., c. 327, s. 22, amended.

22. A member of a board who is a separate school supporter, or a member appointed by the county council who is not a resident of the high school district, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools in such district.

County representatives on boards of education.

8. Subsection 1 of section 53 of *The Separate Schools Act* is amended by striking out the words “as provided by section 118 of *The Public Schools Act*” and inserting in lieu thereof the words “subject to appeal as is provided by section 121 of *The Public Schools Act*.”

Rev. Stat., c. 328, s. 53, subs. 1, amended.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

ONTARIO PRESS, LIMITED,
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The Auxiliary Classes Act

Revised Statutes of Ontario, 1927
Chapter 324



ONTARIO
DEPARTMENT OF EDUCATION

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1928

The Auxiliary Classes Act.

R.S.O. 1927, Chapter 324.

1. In this Act,—

Interpreta-
tion.

- (a) "Regulations" shall mean regulations made by the Minister of Education under the authority of this Act and *The Department of Education Act*; "Regulations." Rev. Stat. c. 822.
- (b) "Board" shall mean and include a board of education, board of public school trustees, and board of separate school trustees in a city. 1914, c. 49, s. 2. "Board."

2. A board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause, unable to take proper advantage of the ordinary public or separate schools courses. 1914, c. 49, s. 3. Classes which may be established.

3.—(1) For the purposes of section 2 the board may, subject to the approval of the Minister of Education, Powers of Board.

- (a) acquire a site and erect thereon such buildings as may be suitable for the education and training of the pupils;
- (b) establish such courses of instruction and training as may be best adapted to secure the mental and physical development of the pupils;
- (c) appoint such teachers and special instructors in ordinary learning or in any useful and beneficial occupation as the board may think proper;
- (d) provide in connection with the classes in the same or a separate building a suitable residence and home for the pupils or such of them as in the judgment of the board, subject to the approval of the Inspector of Auxiliary Classes, can be more suitably provided for in such residence and engage such officers and servants as may be deemed proper for the oversight and care of the pupils in the residence.

Acquiring site, etc., in adjoining municipality.

(2) With the approval of the Minister a site may be acquired and buildings erected thereon in an adjoining township, and for that purpose the board shall have and may exercise within such township the like powers as within the city for which the board is constituted. 1914, c. 49, s. 4.

Power of city over 200,000 to acquire site and erect buildings.

(3) With the approval of the Minister, the council of a city having a population of not less than 200,000 may acquire land in the municipality, or elsewhere, or may set aside land already owned by the corporation, or any land acquired or held for industrial farm purposes, as a site or sites, and may erect suitable buildings thereon for the purposes of subsection 1 of this section, but any rates levied for the aforesaid purposes shall be levied on the property of public school supporters only. 1917, c. 62, s. 1.

Duty of board as to religious instruction and worship.

4. It shall be the duty of a board where a residence is established to provide for the due instruction of the pupils in religion by the clergymen or ministers of the respective churches or religious denominations to which they belong, and for their attendance at religious worship. 1914, c. 49, s. 5.

Pupils to be wards of the Board.

5. Where a board establishes a residence under this Act, every pupil admitted thereto shall be a ward of the board and shall be subject to the control and custody of the board during school age and for such further period, but not after reaching the age of twenty-one years, as the board, subject to the approval of the Inspector of Auxiliary Classes, may deem advisable. 1914, c. 49, s. 6.

Admission.

6.—(1) Subject to the regulations pupils shall be admitted to auxiliary classes upon the report of a board consisting of the principal of the school, the school medical inspector and another school inspector or the chief or senior school inspector as the case may be, of which board the principal shall be the chairman approved by the Inspector of Auxiliary Classes.

Admission from other municipalities.

(2) Pupils may be admitted to auxiliary classes from other municipalities upon such terms as may be permitted or prescribed by the regulations.

Fees.

(3) Such fees for instruction and for board and lodging shall be payable by the parents or guardians of the pupils, as may be fixed by the board, with the approval of the Minister of Education. 1914, c. 49, s. 7.

Supervision of health, etc., of pupils.

7. Where a board has established auxiliary classes under this Act, it shall be its duty to provide for the proper supervision of the health and treatment of every pupil attending the classes and for proper medical treatment of every pupil who appears to the principal or inspector to require the same. 1914, c. 49, s. 8.

8. The board may direct the school medical inspector or such other officer as the board may appoint, to visit pupils in their homes and to consult and advise with their parents as to their treatment and the conditions which will best enable the pupils to attain the greatest possible degree of intelligence and education. 1914, c. 49, s. 9. Visiting pupils in their homes.

9. Subject to the regulations, the board may provide for the transportation of pupils to and from the classes, and may pay for the same out of the funds provided under section 10. 1914, c. 49, s. 10. Transportation of pupils.

10.—(1) The moneys required by the board for the carrying out of the objects of this Act shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of the public or separate schools under the control of the board. 1914, c. 49, s. 11. Raising money for classes.

(2) The moneys required for the purposes of subsection 3 of section 3 shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of public schools under the control of the board. 1917, c. 62, s. 2. Raising money for certain purpose.

11.—(1) The Minister of Education may from time to time make regulations subject to the approval of the Lieutenant-Governor in Council for the administration and enforcement of this Act and for the establishment, organization, government, examination and inspection of auxiliary classes, the admission and dismissal of pupils, the duration of their term of residence, and for prescribing the accommodation and equipment of school houses, residences and buildings and the arrangement of school premises for auxiliary classes. Regulations.

(2) The regulations may provide for the appointment of a duly qualified medical practitioner who may be an officer of any department of the government to be Inspector of Auxiliary Classes and may define the duties and powers of the Inspector. 1914, c. 49, s. 12. Inspector.

12. Subject to the regulations the Minister shall annually apportion among auxiliary classes all sums of money appropriated as a special grant therefor. 1914, c. 49, s. 13. Apportionment of grant.

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The Continuation Schools Act

Revised Statutes of Ontario, 1927
Chapter 325

The School Law Amendment Act, 1928, being Chapter 53 of the Ontario Statutes, 1928, has been inserted following the index. See section 3 for amendment to The Continuation Schools Act.



ONTARIO
DEPARTMENT OF EDUCATION

TORONTO
Printed and Published by the Printer to the King's Most Excellent Majesty
1928

The Continuation Schools Act.

R.S.O. 1927, Chapter 325.

Interpre-
tation.

1. In this Act,

"Mainten-
ance."

- (a) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture, the improvement of the school grounds, and the grounds attached to the teacher's residence, insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers;

"Minister."

- (b) "Minister" shall mean Minister of Education;

"Municipality."

- (c) "Municipality" shall include a city, town, village or township, but not a county;

"Permanent
improve-
ments."

- (d) "Permanent improvements" shall include the purchase or rental of a residence for a teacher or of a school site, the erection or rental of a school-house, the enlargement of both or either of them, changing the system of heating or ventilation, the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library and all other appliances required by the regulations;

"Regula-
tions."
Rev. Stat.
c. 322.

- (e) "Regulations" shall mean regulations made by the Minister under *The Department of Education Act*. R.S.O. 1914, c. 267, s. 2.

Establish-
ment of
schools.

2.—(1) Subject to the regulations and to the approval of the Minister the public school board of any municipality or school section or a separate school board may establish and maintain one continuation school with a staff of at least one teacher engaged for his whole time.

Powers of
board.

(2) The board shall have in respect of such continuation school all the powers conferred on public or separate school boards as to acquiring a school site, erecting buildings and

additions to existing buildings, and providing equipment for and paying the cost of permanent improvements, and of the maintenance of such continuation schools.

(3) Subject to the regulations and to the approval of the Minister, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards for the benefit of the pupils from all of such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be paid by each of such boards or shall provide for the manner in which such proportion shall be determined.

Agreements between boards for joint maintenance and establishment.

(4) A continuation school established under subsection 3 shall be under the control and management of a committee composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Management of continuation school under committee.

(5) The committee shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of the " (naming the municipality or school section or sections).

Committee to be a body corporate.

(6) Where the board of a union school section establishes or enters into an agreement with any other board for the establishment of a continuation school, the council of each municipality included, or part of which is included in the union school section, shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such continuation school according to the equalized assessment as provided by *The Public Schools Act* of the part of the union school section comprised in the municipality.

Apportionment of cost in union school sections.

(7) Subject to subsection 8, for the purposes of subsections 1 and 2 of section 109 of *The Public Schools Act* a continuation school shall be deemed a public school.

Township grant towards salary.

(8) Where the continuation school is established by one or more public school boards the amount to be levied and collected by the township council under section 109 of *The Public Schools Act* shall be levied upon the taxable property of the public school supporters, and where the school is established by one or more separate school boards the amount to be levied shall be levied upon the supporters of such separate schools. R.S.O. 1914, c. 267, s. 3.

Township rates, how to be levied.

3. All sums required to be provided for the support of a continuation school established under section 2 after deducting from the expenditures the legislative and county and

Providing money required for maintenance.

other municipal grants, shall be provided for by a rate levied,—

- (a) where the school is established by the board of an urban municipality or of a public school section, or by the board of an urban municipality and one or more public school sections, or by the boards of two or more public school sections, on the property liable to assessment and taxation for public school purposes in such municipality or school section or sections;
- (b) where the school is established by the board of one or more separate schools, on the property liable to assessment and taxation for separate school purposes;
- (c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the municipality or section or sections and on the property liable to assessment and taxation for separate school purposes, in the proportions fixed by or under the agreement for the establishment of the school. R.S.O. 1914, c. 267, s. 4.

Certain pupils not liable for fees.

4.—(1) No fees shall be payable by resident pupils or by county pupils or by pupils who are admitted to a continuation school under the provisions of clauses (a) and (b) of subsection 3 of section 7.

Fees of continuation school pupils.

(2) Pupils other than those mentioned in subsection 1 shall pay such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in the continuation school. 1921, c. 89, s. 11.

Payment of lump sum in lieu of fees.

(3) The board of any other public or separate school may agree with the board by which the continuation school is established or the board of the continuation school, as the case may be, for the payment by such first mentioned board of a lump or other annual sum in lieu of the fees payable under subsection 2. R.S.O. 1914, c. 267, s. 5 (3).

Agreements between council and continuation school board validated.

(4) The council of a county or of any municipality may enter into an agreement with the continuation school board of any other municipality for the payment of the whole or part of any fees imposed on non-resident pupils attending a continuation school under the control of the board of such municipality, and all agreements heretofore made by the council of a county or of any municipality for such purpose and all payments heretofore made under agreements or otherwise, are hereby validated and confirmed and declared to have been legally made. 1924, c. 82, s. 14.

5.—(1) Subject to the regulations and to the approval of the Minister, the board of any urban municipality or school section by which a continuation school is established and the board of any adjacent urban municipality or school section may enter into an agreement for the support of such continuation school by the payment of an annual fixed sum or of a proportion of the cost of establishing and maintaining such school by any or all of the boards parties to such agreement, but such agreement shall provide for the establishment and maintenance of the continuation school by and under the control of the board of the municipality or section in which the school is situate.

Agreements for support of continuation school by adjoining sections.

(2) Any such agreement heretofore entered into and which may be approved by the Minister shall be valid and binding.

Agreements validated.

(3) The Minister may give such directions as he may deem proper for carrying out the true intent and meaning of the agreement and providing for any matter arising out of the agreement and not expressly dealt with therein.

Directions by Minister.

(4) Pupils attending the school from any municipality or school section other than the municipality or school section in which the school is established shall for the purposes of this Act be deemed county pupils.

Pupils from adjoining sections to be county pupils.

(5) Where the board of any school section or of any municipality has entered into an agreement under this section to contribute to the cost of establishing and maintaining a continuation school in any other school section or municipality, it shall be the duty of the contributing board to include in its annual estimates the amount required for that purpose and the same shall be assessed, levied and collected upon the property liable to taxation for public school purposes in the contributing school section or municipality. 1925, c. 78, s. 20.

Contributory sections to provide for funds.

6. A continuation school shall not be established or maintained in a municipality in which a high school is maintained or in any other part of a high school district. R.S.O. 1914, c. 267, s. 6.

No establishment where there are high schools.

7.—(1) (a) Where a by-law has been passed by the council of a county under subsection 1 of section 34, of *The High Schools Act* and while such by-law remains in force the same provisions for cost of education shall apply to the continuation schools of the county, that is to say, fifty per centum of the cost of education of resident pupils in any school shall be borne by the county and fifty per centum of such cost by the board of trustees of the continuation school, and fifty per centum of the cost of education of county pupils shall be borne by the county and fifty per centum of such cost by the municipalities in which the parents or guardians of the pupils reside.

Cost of education, co-operation of county and municipality. Rev. Stat. c. 326.

Determining
cost of
education.

(b) The cost of education of resident and county pupils shall be determined as follows: The total cost per pupil per day shall be calculated by adding to the total amount expended for permanent improvements (including amounts expended in paying off debentures and in providing for the interest payable on such debentures) the total cost of maintenance of the continuation school, and subtracting from this sum the amount apportioned out of the legislative grant and any amounts received from fees, and dividing this difference by the total number of days' attendance of all pupils at the school during the year; the cost of education of resident pupils shall then be calculated by multiplying the cost per pupil per day by the total number of days' attendance of resident pupils during the year, and the cost of education of county pupils, by multiplying the cost per pupil per day by the total number of days' attendance of county pupils during the same period.

Arbitration
by judge.

(c) Where the parties concerned do not agree as to the amount payable under clauses *a* and *b* above, the same shall be ascertained by the judge on application of either party.

Information
for judge.

(d) On the reference to the judge the board shall submit to him statements similar to those mentioned in clause *e* of subsection 2, certified in a similar manner, and shall furnish such further information as he may require. 1925, c. 78, s. 21, *part*; 1927, c. 88, s. 14.

Liability
of county
where no
co-operative
by-law.
Rev. Stat.
c. 326.

(2) (a) Where the council of any county has not passed a by-law under subsection 1 of section 34, of *The High Schools Act*, it shall, on or before the 15th day of December in each year pay to the boards of all continuation schools in towns not separated from the county and in villages and townships in the county for the maintenance of continuation schools without any deduction on account of fees paid for county pupils, an amount equal to that apportioned by the Minister to such continuation schools out of the legislative grant for the maintenance of continuation schools.

When
further
grant to
be made.

(b) Where the cost of education of county pupils at a continuation school exceeds the amount apportioned by the Minister and the fees received, the county shall, in lieu of the equivalent of the amount apportioned out of the legislative grant, pay to the board a sum to be calculated as follows: To eighty per centum of the total amount expended for permanent improvements (including amounts expended in paying off debentures and in providing for the interest payable on such debentures) shall be added the total cost of maintenance of the continuation school, the amount apportioned out of the legislative grant, and any sums received for fees shall then be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at the school during the next preceding three years and the resulting amount shall

be multiplied by the total number of days' attendance of county pupils during the same three years, and the resulting amount shall be payable by the county.

(c) Where a continuation school has not been in existence for three years, the attendance shall be reckoned for the period during which it has been open.

Reckoning attendance in case of new school.

(d) The board and the county council may by agreement settle the amount to be paid by the county for the education of county pupils in any year, but if they do not agree the same shall be settled by the judge on the application of either party.

Agreement or reference to county judge.

(e) No agreement or settlement so made shall affect the apportionment of county aid authorized by section 8.

Not to affect county aid.

(f) Where a continuation school has been in existence for three years or more, an award made by the judge shall be binding for three years, and where it has not been in existence for three years, for one year only.

Term of award.

(g) In case of a reference the board shall submit to the judge a detailed statement of all receipts and expenditures for the continuation school for each of the preceding years or a less period under consideration, which shall be certified by the auditors, and a statement certified by the chairman of the board, of the names, residences and attendance of all resident, non-resident and county pupils for each of such years or for such period, and giving a separate list with names and addresses of county pupils on whose account the demand for payment is made, and a statement, certified by the chairman, of the amount apportioned out of the legislative grant and of all fees received during each of such years or during such period, and shall also furnish to the judge such further information as he may require.

Statements to be submitted on reference.

(h) For the purposes of this section the terms "county pupils," "non-resident pupils," and "resident pupils" shall have the same meaning as in *The High Schools Act*.

Meaning of "county pupils," etc.

(3) (a) Where the board of a continuation school in a separated town has notified the county clerk that the continuation school is open to county pupils on the same terms as continuation schools in municipalities not separated from the county are open to such pupils, the county council shall, on or before the 15th day of December in each year, pay a sum equal to eighty per centum of the cost of the education of such county pupils at such continuation school.

Maintenance of county pupils at school.

(b) Where the board of a continuation school in a town not separated from the county or in a village or township has notified the clerk of any county adjacent to that in which the continuation school is situate, that such school is open to pupils resident in such adjacent county on the same terms as

Pupils from adjacent county.

to county pupils, the council of such adjacent county shall, on or before the 15th day of December in each year, pay for the education of pupils from such county attending the continuation school a sum equal to eighty per centum of the cost of the education of pupils at such continuation school.

Mode of
ascertaining
amount
payable by
county.

(c) The amount payable under clauses *a* and *b* shall be ascertained as follows: The total expenditure on the continuation school shall be determined by taking the sum of the total expenditure for maintenance and the total expended for permanent improvements (including amounts expended in paying off debentures and in providing for the interest payable on such debentures) from the total expenditure thus calculated the amount apportioned out of the legislative grant, and any sum received from fees shall first be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at such continuation school during the year for which payment is to be made; the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom the county is liable; the percentage prescribed shall then be determined and the resulting amount shall be the sum payable by the county.

Reference
to county
judge.

(d) Where the parties do not agree as to the amount so payable, the same shall be ascertained by the judge on the application of either party.

Material
to be
submitted.

(e) On the reference to the judge, the board shall submit to him statements similar to those mentioned in clause *g* of subsection 2 certified in a similar manner, and shall furnish such further information as he may require.

Cost of
reference.

(f) The costs of a reference to the judge under this section shall be in his discretion, and the amount thereof shall be fixed by him and he may direct to and by whom and in what manner the same shall be paid.

Remedy of
county
against local
municipalities.

(4) Where the council of a county has passed a by-law under subsection 1 of section 34 of *The High Schools Act* and while such by-law remains in force, the council of the county shall have the right to recover from the municipality in which the parents or guardians of the pupils reside, fifty per centum of the cost of education of county pupils paid by the county under clauses *a* or *b* of subsection 3 of this section. 1925, c. 78, s. 21, *part*.

Additional
contribution
by county
council.

8.—(1) The council of the county may contribute such further sum as it may deem expedient towards permanent improvements or to the maintenance of continuation schools situate in the county; but any sum so contributed, except as provided by subsection 2, shall be apportioned among all such continuation schools in proportion to the amount which the council is required to contribute to their support.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the continuation schools in the county without making a similar provision for the other continuation schools therein.

May be for aid to some only of the schools.

(3) The council of united counties may apportion the amount to be levied for continuation schools so that each county in the union shall be liable only for sums payable in respect to continuation schools situate therein. R.S.O. 1914, c. 267, s. 8 (1-3).

Apportionment between counties in a union.

(4) Where agricultural training is provided for, in accordance with the regulations, in a continuation school, the council of the county in which the continuation school is situate may, on or before the 15th day of December in each year, pay to the board of the school in which such training is so provided such sums as it may deem expedient, which shall be applied by the board to the purposes of such training. 1915, c. 43, s. 3.

Agricultural training in continuation schools.

(a) Every balance remaining in the hands of the board of any sum paid to the board under this subsection during or before the year 1915, shall be placed by the board at the disposal of the district representative of the Department of Agriculture, and shall be expended in accordance with *The Agricultural Representatives Act*. 1916, c. 24, s. 37.

Balance of grant payable to district representative.

Rev. Stat. c. 73.

(5) Where the continuation school is situate in an urban municipality or in a union school section parts of which are in two or more counties the amount payable under subsections 1 and 4 by the corporation of each county shall be determined in the manner provided by section 39 of *The Public Schools Act*. R.S.O. 1914, c. 267, s. 8 (5).

Apportionment with schools situate in municipality or section forming part of two or more counties.

9. Where a municipality is called upon to pay a part of the cost of education of county pupils under section 7 of this Act, all parts of such municipalities as shall be included in the continuation school section shall be exempt from paying any part of such cost paid by the municipality except such portion of such cost (if any) as shall be incurred in connection with pupils whose parents or guardians reside within such exempted section. 1925, c. 78, s. 22, *part*.

Right of exemption of contributing municipalities.

10. Pupils whether resident or non-resident may be admitted to a continuation school in accordance with the regulations governing the admission of pupils to high schools. R.S.O. 1914, c. 267, s. 9.

Admission of pupils.

11. Every teacher appointed as principal or assistant in a continuation school shall possess the qualifications prescribed by the regulations. R.S.O. 1914, c. 267, s. 10.

Qualification of teachers.

Courses of study.

12. The courses of study in continuation schools shall be such as are prescribed by the regulations. R.S.O. 1914, c. 267, s. 11.

When continuation school becomes high school.
1909, c. 90.

13.—(1) Every continuation school which has been established under the provisions of Part II of *The Continuation Schools Act*, passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 90, shall be deemed to have been on and after the 1st day of July, 1913, and shall be a high school and, except as hereinafter expressly provided, shall be subject to the provisions of *The High Schools Act*.

Rev. Stat.
c. 326.

(2) The trustees of a continuation school holding office at the time it became a high school under the provisions of subsection 1 shall be deemed to have been the trustees of it until trustees were appointed under the provisions of *The High Schools Act* and the new board was organized. R.S.O. 1914, c. 267, s. 12 (1, 2).

Term of office of existing trustees.

When principal may continue as principal of high school.

(3) The principal of a continuation school at the time it became a high school under this section shall, subject to the approval of the Minister, be qualified to continue to be the principal of such school. R.S.O. 1914, c. 267, s. 12 (3); 1915, c. 43, s. 4.

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CHAPTER 53.

The School Law Amendment Act, 1928.

Assented to 3rd April, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 41 of *The Public Schools Act* is repealed.

Rev. Stat.,
c. 323, s. 41,
subs. 4,
repealed.

2. Subsection 4 of section 15 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat.
c. 323, s. 15,
subs. 4,
repealed.

(4) The election of school trustees for the township school area shall be by ballot and shall be held for the year following the year in which the by-law takes effect and in each year thereafter as nearly as may be in the same manner as an election of members of a municipal council and the clerk of the township shall be the returning officer at each election, and except as herein otherwise provided all the provisions of this Act applicable to the election of trustees by ballot shall apply as nearly as may be to the election of school trustees under this section.

Township
school area,
election of
trustees.

(4a) Of the trustees elected at the first election the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year.

Term of
office.

(4b) After the first election an election shall be held in each year to fill the places of trustees whose terms of office have expired and the trustees elected shall hold office for two years.

Subsequent
elections.

(4c) In case at the first election of trustees two or more trustees receive an equal number of votes the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board.

Equality of
votes at first
election.

Rev. Stat.
c. 325, s. 7,
subs. 2, cl. f,
repealed.

3. The clause lettered *f* in subsection 2 of section 7 of *The Continuation Schools Act* is repealed.

Rev. Stat.
c. 326, s. 6,
subs. 4,
repealed.

4. Subsection 4 of section 6 of *The High Schools Act* is repealed and the following substituted therefor:

Trustees of
high school
district.

(4) The board of trustees shall be composed of six members who shall be appointed by the council of the county.

Term of
office.

(4a) Two of the trustees so appointed shall be appointed in the first instance for three years, two for two years, and two for one year, and thereafter two trustees shall be appointed in each year to hold office for three years in place of those whose term has expired.

Rev. Stat.
c. 326,
amended.

5. *The High Schools Act* is amended by adding thereto the following section:

Consultative
committee.

39a.—(1) The council of any county in which the by-law mentioned in subsection 1 of section 34 is in force may establish a consultative committee which shall consist of the public school inspector or one of the inspectors where there are more than one for the county, an officer appointed by the Department of Education and three members to be appointed by the council.

Functions of
committee.

(2) The council may submit to the committee, and direct it to report upon petitions for the setting up of new high school districts or the modification or alteration of the boundaries of existing districts, and may direct the committee to obtain information and make recommendations regarding any question affecting the facilities for education in the continuation schools and high schools in the county and the liability of the county for the support of such schools and the cost to the county of the education of pupils in such schools.

Department
may employ
committee.

(3) The Department of Education may direct the committee to obtain information upon any question affecting applications for the approval of continuation schools or high schools or of sites and buildings for such schools.

Statements
from local
school
boards.

(4) Continuation school boards, high school boards and boards of education having control of schools within the county shall, upon application, furnish to the committee detailed statements of the names, residences and attendance of all resident, non-resident and county pupils and of all receipts and expenditures together with any further information which

the committee may require concerning matters which in any way affect the liability of the county or the cost of education of pupils.

- (5) The reports of the committee and the recommendations made by it shall be used for the purpose of obtaining information only, and the recommendations of the committee shall not be binding upon the Department, the county council or the boards in control of continuation schools or high schools.
- Recommendations not to bind Department or council.

6.—(1) The clause lettered *b* in subsection 1 of section 50 of *The High Schools Act* is amended by inserting after the word “examiners” in the seventh line the words “the Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate.”

Rev. Stat., c. 326, s. 50, subs. 1, cl. *b*, amended.

(2) The clause lettered *a* in subsection 1 of section 51 of *The High Schools Act* is amended by inserting after the word “board” in the sixth line the words “The Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate.”

Rev. Stat., c. 326, s. 51, subs. 1, cl. *a*, amended.

7. Section 22 of *The Boards of Education Act* is amended by striking out the words “or who is appointed by the county council” in the second line and inserting in lieu thereof the words “or a member appointed by the county council who is not a resident of the high school district” and by adding at the end thereof the words “in such district,” so that the section will now read as follows:

Rev. Stat., c. 327, s. 22, amended.

22. A member of a board who is a separate school supporter, or a member appointed by the county council who is not a resident of the high school district, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools in such district.
- County representatives on boards of education.

8. Subsection 1 of section 53 of *The Separate Schools Act* is amended by striking out the words “as provided by section 118 of *The Public Schools Act*” and inserting in lieu thereof the words “subject to appeal as is provided by section 121 of *The Public Schools Act*.”

Rev. Stat., c. 328, s. 53, subs. 1, amended.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

ONTARIO PRESS, LIMITED,
Printers and Publishers,
Toronto.

The High Schools Act

Revised Statutes of Ontario, 1927
Chapter 326

The School Law Amendment Act, 1928, being Chapter 53 of the Ontario Statutes, 1928, has been inserted following the Index. See sections 4, 5 and 6 for amendments to The High Schools Act



ONTARIO
DEPARTMENT OF EDUCATION

TORONTO

Printed and Published by the Printer to the King's Most Excellent Majesty

1928

The High Schools Act.

R.S.O. 1927, Chapter 326.

1.—(1) In this Act,—

Interpreta-
tion.

- (a) "Board" shall mean board of high school trustees; "Board."
- (b) "County Judge" and "Judge" shall mean the senior judge of the county or district court of the county or district in which the high school is or is to be situate, or, if he is a member of the high school board or is unable to act or is disqualified, shall mean the junior judge of the county or district court, or if he is a member of the board or is unable to act or is disqualified, shall mean the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census; R.S.O. 1914, c. 268, s. 2 (1), *cls. (a, b)*. "County judge" or "judge."
- (c) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county but not within the limits of a high school district or of a town or village or school section or sections in which a continuation school is established within that county and shall not include pupils who are resident pupils as herein defined, but any pupil resident in a high school district or continuation school section shall be regarded as a county pupil in respect to a high school or continuation school outside such district or section when such school (a) is reasonably accessible to such pupil while the school in the district or section in which he resides is not thus accessible; or (b) provides for such pupil a course of study which is not offered in the school in his own district or section; and in case of dispute as to liability of the county to contribute to the cost of education of any such pupil the matter shall be determined by the judge in a manner similar to that provided for in the case of an application to the judge under section 35; 1925, c. 78, s. 8. "County pupils."
- (d) "Department" shall mean Department of Education;

"High
School."

(e) "High School" shall include a collegiate institute;

"High
School
District."

(f) "High School District" shall mean the municipalities and parts of municipalities over which a board has jurisdiction;

"Mainten-
ance."

(g) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations, and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers;

"Minister."

(h) "Minister" shall mean Minister of Education;

"Municipal-
ity."

(i) "Municipality" shall include a city, town, village or township but not a county;

"Non-resi-
dent pupils."

(j) "Non-resident pupils" shall mean pupils other than county pupils and resident pupils as herein defined;

"Permanent
improve-
ments."

(k) "Permanent improvements" shall include the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a school-house, the enlargement of both or either of them, changing the system of heating or ventilation, the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the regulations;

"Regula-
tions."

Rev. Stat.
c. 322.

(l) "Regulations" shall mean regulations made by the Minister under *The Department of Education Act*;

"Resident
pupils."

(m) "Resident pupils" shall mean pupils whose usual place of abode is within the high school district, or who are assessed or whose parents or guardians are assessed within the district for an amount equal to the average assessment of the ratepayers therein;

"Separated
town."

(n) "Separated town" shall include a town separated for municipal purposes from the county in which it is situate, and a town in territory without county organization;

(o) "Urban municipality" shall mean a city, town or village. R.S.O. 1914, c. 268, s. 2 (1), cls. (d-o). "Urban municipality."

(2) Where reference is made to the population of a municipality or other locality or to a number of inhabitants or ratepayers the same shall be determined by the last enumeration by the assessor. References to population.

(3) The certificate of the clerk of the municipality with respect to such population or number shall be final and conclusive. R.S.O. 1914, c. 268, s. 2 (2, 3). Certificate of clerk to be final.

HIGH SCHOOL CORPORATIONS.

2.—(1) The trustees of every high school district shall be a corporation by the name of "The High School Board of _____" or "The Collegiate Institute Board of _____" as the case may be, adding the name of the municipality within which the high school or collegiate institute is situate. Trustees to be a corporation.

(2) The trustees of every high school district shall hold office until their successors are appointed and the new board is organized. R.S.O. 1914, c. 268, s. 3. Term of office.

HIGH SCHOOL DISTRICTS.

3. Whenever a high school district has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that such district has not been legally formed. R.S.O. 1914, c. 268, s. 4. Existing high school districts confirmed.

4. The county council may on the petition of any municipal council detach the municipality or any part thereof from any district formed by by-law of the county council, but any change made in the boundaries of a district shall not relieve the taxable property of the district or any part thereof from the rates imposed for the payment of debentures or from any other debts incurred before such change. R.S.O. 1914, c. 268, s. 5. Lands not relieved from rates.

5.—(1) The council of any county on the petition of two-thirds of the ratepayers of any municipality or part thereof not separated from such county and contiguous to any high school district or village or to a town in such county, may by Unions of municipalities or portions thereof for high school purposes.

by-law unite such municipality or part thereof to such district, village or town for high school purposes; and the union shall take effect on the 1st day of January next following the expiration of six months after the passing of the by-law. R.S.O. 1914, c. 268, s. 6 (1); 1922, c. 98, s. 19.

Dissolution
of union.

(2) The county council on the petition of two-thirds of the ratepayers of any municipality or part thereof united to any such district, village or town may by by-law dissolve the union; but no such by-law shall come into operation until the 1st day of January next following the expiration of six months after the passing thereof, nor relieve the municipality or any part thereof from any rates imposed for the payment of debentures nor from any other debts incurred while such union existed, but no action that a county council may hereafter take shall alter the boundaries of the district of a high school, as empowered in section 13 of *The Continuation Schools Act*, so as to take from the area liable to assessment any property that was in the district when it was established as a continuation school district, before the expiration of five years from the date of the passing of this Act. R.S.O. 1914, c. 268, s. 6 (2); 1915, c. 43, s. 5.

Rev. Stat.,
c. 325.

Assets vested
in board of
united muni-
cipality.

(3) Where two municipalities become united all the assets of the boards of both municipalities shall forthwith be vested in, and all the liabilities of such boards shall forthwith become liabilities of, the board of the united municipality. R.S.O. 1914, c. 268, s. 6 (3).

Authority to
establish a
high school
district com-
prising whole
county.

(4) The council of any county, with the approval of the Lieutenant-Governor in Council, may by by-law discontinue the high school districts within the county and establish a high school district to be comprised of the whole of the county and such by-law shall take effect on the 1st day of January next following the expiration of six months after the passing of the by-law. 1921, c. 89, s. 13.

NEW HIGH SCHOOLS.

Establishment
and discontin-
uance of high
schools.

6.—(1) On or before the 1st day of July in any year the council of a county may, with the approval of the Minister, pass by-laws for the establishment of a new high school district,—

(a) for a municipality not separated from the county and the council of any county may in like manner, with the approval of the Lieutenant-Governor in Council, discontinue at the end of the current calendar year any high school district already established; R.S.O. 1914, c. 268, s. 7 (1) cl. (a); 1924, c. 82, s. 15;

(b) for two or more townships or parts of townships within such county, if there are at least three

thousand inhabitants within the proposed district, and if at least two-thirds of the ratepayers of each of such townships or parts or townships petition for such high school district;

(c) in a village in such county or in a town therein not separated from the county, including within the proposed district the village or town and the whole or a part of any municipality or municipalities in such county contiguous to such village or town, if the whole of such proposed district contains at least three thousand inhabitants, and if two-thirds of the ratepayers in each municipality or part of a municipality to be included in such district sign a petition for such high school district; R.S.O. 1914, c. 268, s. 7 (1), cls. (b, c);

(d) for a portion of a township adjacent to a city having a population of at least 50,000, if there are at least 2,000 inhabitants within the proposed district and the council of the township petition for such high school district. 1920, c. 99, s. 5.

(2) In the case provided for by clause b of subsection 1 the high school shall be located at such place as is named in the petition. R.S.O. 1914, c. 268, s. 7 (2). Location of school.

(3) In a provisional judicial district the council of a township may by by-law, with the approval of the Minister, establish the township as a high school district. High school district in township in provisional judicial district.

(4) The board of trustees shall be composed of six members who shall be appointed by the council of the township annually at the first meeting of the council in each year and shall hold office until their successors are appointed. 1922, c. 98, s. 20. Board of trustees.

(5) The board of trustees of a high school district established under subsection 1 may establish a high school and, with the approval of the Minister, such additional high schools as the trustees may deem necessary and, subject to the provisions of section 41, may provide for the location, erection, maintenance and management of the high school or schools so established. 1926, c. 67, s. 5. Establishment of one or more high schools in high school district.

7.—(1) The council of a city or separated town may, with the approval of the Minister, by by-law provide that a high school shall be established in such city or town. Establishment of high schools.

(2) Where a high school has been established in a city or separated town the board of high school trustees or board of education of the city or town may establish such additional high schools as it may deem necessary and, subject to the provisions of section 41, may provide for the location, erection, maintenance and management of the same. 1925, c. 78, s. 16. Additional schools.

COURSES OF STUDY.

Course of instruction.

8.—(1) The courses of study shall be those prescribed by the regulations.

Collegiate institutes.

(2) Any high school which complies with the regulations with respect to collegiate institutes may be raised to the rank of a collegiate institute by the Minister.

Reducing collegiate institutes.

(3) The Lieutenant-Governor in Council may, upon the report of the Minister, reduce a collegiate institute to the rank of a high school. R.S.O. 1914, c. 268, s. 9.

Military instruction.

9.—(1) A board may establish classes in military instruction, appoint a qualified drill instructor and provide uniforms for such classes.

Grants for athletics.

(2) A board may annually vote a sum not exceeding \$150 for each high school within its jurisdiction for the encouragement of athletics and to defray the expenses of school games. R.S.O. 1914, c. 268, s. 10.

Instruction in agriculture.

10. A high school board, a public school board and a continuation school board, or any one or more of such boards may engage the services of any person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved by the Minister to give instruction in agriculture to the pupils of their respective schools; and the instructor shall perform such duties and the funds set apart for instruction in agriculture shall be expended for such purposes as may be prescribed by the regulations. R.S.O. 1914, c. 268, s. 11.

TRUSTEES.

Qualification of trustees.

11. Any ratepayer who is a British subject, has attained the age of twenty-one years, resides in the high school district, or in the county or municipality in the case of a county or of a district municipality appointment, and who is not a member or officer of a municipal council shall be qualified to be a high school trustee. R.S.O. 1914, c. 268, s. 12; 1925, c. 78, s. 9.

Number of trustees.

12. Every high school board shall consist of at least six trustees. R.S.O. 1914, c. 268, s. 13.

Appointment of trustees.

13.—(1) In the case of a high school situate in a municipality of the county not being a city or a separated town, three of such trustees shall be appointed by the county council, two of whom may reside in the county outside the district, and additional trustees shall be appointed as follows:—

(a) Where the district comprises one municipality the council thereof shall appoint three additional trustees;

(b) Where the district comprises two municipalities each council shall appoint two additional trustees; and

(c) Where a district comprises more than two municipalities each council shall appoint one additional trustee. R.S.O. 1914, c. 268, s. 14 (1); 1925, c. 78, s. 10.

(2) A part of a municipality which is assessed for at least \$50,000 shall be deemed a municipality for the purposes of this section. What may be deemed a municipality.

(3) One of the trustees appointed by the county council and one trustee appointed by each other council shall retire each year. R.S.O. 1914, c. 268, s. 14 (2, 3). Annual retirement of trustees.

14. Where a high school district comprises the whole of a county the county council shall appoint six trustees, two of whom shall retire each year. R.S.O. 1914, c. 268, s. 15. Where district composed of county.

15.—(1) In a city and in a separated town the council shall appoint six trustees, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form the board. Trustees in cities and separated towns.

(2) The council shall provide for the annual retirement of two of the trustees appointed by them so as to secure a complete rotation every three years. R.S.O. 1914, c. 268, s. 16. Retirement by rotation.

16.—(1) Where the board of a high school situate in a city or in a separated town notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees as provided by subsection 1 of section 13, for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school. R.S.O. 1914, c. 268, s. 17 (1); 1925, c. 78, s. 11. Admission of county pupils to city or town school.

(2) The board of a high school situated in a city, town or village in a district without county organization may, by resolution, provide that the pupils of any municipality in such district shall have the right to attend such high school on the same terms as the pupils living in the city, town or village in which the high school is situate on the condition that the council of such municipality pay to such high school board the cost *pro rata* of the maintenance of such high school according to the number of pupils in attendance thereat from such municipality. R.S.O. 1914, c. 268, s. 17 (2). Admission of non-resident pupils in unorganized territory.

Election of trustee by municipality.

(3) The council of any municipality in respect to which a resolution has been passed by a high school board under subsection 2 may by by-law provide for the raising of the necessary money and the payment of the same to such high school board in accordance with the resolution, and thereupon the council shall be entitled to appoint a person qualified as provided under section 11 as a trustee to the board in addition to the other members of the board provided for by this Act. R.S.O. 1914, c. 268, s. 17 (3); 1925, c. 78, s. 12.

Term of office of trustee.

(4) A trustee appointed under subsection 3 shall hold office for three years and until his successor has been duly appointed, and shall have all the rights, powers and privileges of other members of the board with the exception that he shall not be entitled to vote on any matter relating to capital expenditure for land, buildings or permanent improvements not contributed to by the municipality appointing him. R.S.O. 1914, c. 268, s. 17 (4).

Order of retirement of trustees.

17. The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement. R.S.O. 1914, c. 268, s. 18.

Separate school board to appoint a trustee.

18. The board of separate school trustees of a city, town or village in which a high school is situate may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year. R.S.O. 1914, c. 268, s. 19.

Appointment by public school trustees in urban municipalities.

19. Except in the case of a board of education the public school board of every urban municipality and the board of a union public school section which includes an urban municipality may appoint one trustee who is not a member of the public school board to the high school board of such urban municipality, and he shall hold office for one year. R.S.O. 1914, c. 268, s. 20.

Vacancies caused by annual retirement.

20.—(1) Vacancies arising from the annual retirement of trustees shall be filled by the appointing body at its first meeting in each year after being organized.

Vacancies from other causes.

(2) Vacancies arising from death, resignation, removal from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

Where separated town is reunited to county.

(3) Where a separated town is reunited to the county the two trustees whose term of office shall first expire and one of the trustees whose term of office shall next expire, to be selected by lot, shall retire as soon as the county council has appointed three trustees, and the remaining three trustees

together with three trustees to be appointed by the county council shall then constitute the board of the high school district. R.S.O. 1914, c. 268, s. 21.

MEETINGS OF BOARD.

21.—(1) Unless all the members of the new board have been appointed and a date for the first meeting has been decided upon by the old board, the first meeting of the board in each year shall be held at the hour of seven o'clock in the evening of the first Wednesday in February or at such other hour of the same day as may have been determined by resolution of the former board. First meeting of board.

(2) At the first meeting in each year of every board and whenever the office of chairman becomes vacant then at the first meeting of the board after the vacancy occurs the members shall elect one of their number to be chairman. Election of chairman.

(3) The members of the board may also elect one of their number to be vice-chairman, and he shall preside in the absence of the chairman. Vice-chairman.

(4) If at any meeting there is no chairman or vice-chairman present the members present may elect a chairman for that meeting. Chairman pro tem.

(5) At the first meeting and as often as a vacancy occurs the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board. Secretary and treasurer.

(6) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. Secretary pro tem.

(7) The presence of a majority of all the members constituting the board shall be necessary to form a quorum. Quorum.

(8) The secretary or secretary-treasurer shall preside at the first meeting until the chairman is elected, or if there is no secretary or secretary-treasurer then such member of the board shall preside as may be elected for that purpose. Chairman at first meeting.

(9) In case of an equality of votes at the election of chairman the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote. Equality of votes on the election of chairman.

(10) The presiding officer may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to have been negatived. R.S.O. 1914, c. 268, s. 22. In other cases.

SECURITY OF TREASURER AND SECRETARY-TREASURER.

22.—(1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties and shall submit his accounts to the auditors of the municipality in which the high school is situate.

Audit. (2) It shall be the duty of the auditors to audit such accounts in the same way as the municipal treasurer's accounts are audited. R.S.O. 1914, c. 268, s. 23.

DUTIES OF BOARD.

Duties of trustees. **23.** It shall be the duty of every board and it shall have power,—

Fix meetings of board. (a) to fix the times and places for the meetings of the board and the mode of calling and conducting them, and to see that a full and correct account is kept of the proceedings thereat;

Conduct of school. (b) to see that the school is conducted according to this Act and the regulations;

Accommodation for pupils. (c) to provide adequate accommodation according to the regulations for all pupils, and in its discretion establish summer or vacational schools;

Charge of high school. (d) to take charge of the school, to keep the school buildings and premises in proper repair, to provide suitable furniture and equipment and to protect the property of the board;

Collection of fees for tuition. (e) subject to the provisions of this Act, to fix the amount to be paid by parents and guardians for each pupil attending the school, and the times of payment and, when necessary, to enforce payment thereof; R.S.O. 1914, c. 268, s. 24, cls. (a-e).

Transportation of pupils. (f) to provide, where the board deems it expedient, for the transportation of pupils attending high school in a township and to enter into an agreement for that purpose with any municipal corporation or commission, or with any other person authorized so to do for granting special rates or making other arrangements for the transportation of such pupils on any street railway or by bus or otherwise and to pay for such transportation out of any funds available for the maintenance of the high school; 1926, c. 67, s. 6.

Security of treasurer or secretary-treasurer. (g) to take proper security from the treasurer or secretary-treasurer;

- (h) to give the necessary orders upon the treasurer for the payment of gratuities or retiring allowances of teachers and the salaries of the teachers and other officers and servants of the board, and of such other expenses for promoting the interests of the school as may be authorized by the board; Orders for salaries and expenses.
- (i) to apply to the municipal council liable under this Act on or before the 1st day of August, or at such time before that day as may be required by the council, for such sums as the board may require for the maintenance of the school for the twelve months next following the date of such application apart from fees from pupils, the appropriation from the Legislative grant, the contribution by the county council and the revenue from other sources, and for such additional sum as may be deemed expedient for permanent improvements for the same period not exceeding \$500; Applications to councils, how made.
- (j) to expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school, and to exclude any pupil whose parents or guardians neglect or refuse to pay the fees of such pupil after reasonable notice; Expulsion of pupils.
- (k) to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties; Appointment and removal of teachers.
- (l) to certify to the treasurer of the county on or before the 1st day of August in each year the amount of fees collected from county pupils for the next preceding calendar year; Certify fees received.
- (m) to prepare and transmit on or before the 15th day of January in each year to the Minister the annual report in accordance with forms provided by the Department. R.S.O. 1914, c. 268, s. 24, cls. (f-l). Annual report to Minister.

24. The board may—

- (a) purchase for the use of pupils textbooks and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof; Purchase books and supplies, and furnish same free or collect fees for the use thereof.
- (b) provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving; Penny Savings Bank.

Dental and medical inspection.

(c) provide and pay for such dental and medical inspection of the pupils as the regulations may prescribe, or in the absence of regulations, as the board may deem proper;

Travelling expenses attending educational association.

(d) pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario. R.S.O. 1914, c. 268, s. 25.

Providing for scholars' attendance at other high schools.

25. With the approval of the Minister, to be given upon the recommendation of the high school inspector, the board may arrange for the instruction at a high school or collegiate institute in any other high school district in Ontario, of pupils who desire to take high school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses. 1918, c. 51, s. 4.

Supervising principal in urban municipality.

26. Where there are more high schools than one in an urban municipality the board may appoint a supervising principal having the qualifications of a high school principal who, subject to the regulations, shall perform such duties in connection with the high schools as may be assigned to him by the board. R.S.O. 1914, c. 268, s. 26.

PROPERTY VESTED IN BOARDS.

High school property vested in trustees.

27.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality.

Power to sell or convey, etc.

(2) The board shall have full power to sell, convey, transfer or lease such property, or any part thereof, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes. R.S.O. 1914, c. 268, s. 27.

Power to sell site.

28. A board, with the approval of the municipal council or of a majority of the municipal councils having jurisdiction within the high school district, and of the Minister, may sell and transfer any site or other property vested in the board, and after making provision for all debts and liabilities of the board may apply the residue of the proceeds to any purpose that may be approved by the Minister, and thereupon the Lieutenant-Governor in Council may by proclamation declare the corporation dissolved. R.S.O. 1914, c. 268, s. 28.

29. Where a high school has been established under this Act or a continuation school has been constituted a high school under section 13 of *The Continuation Schools Act*, the council of the county in the case of a county high school or the council of the city or town in the case of a high school in a city or separated town may, with the approval of the Minister, discontinue such high school, and the property of the school so discontinued may be disposed of as provided by section 28. 1914, c. 21, s. 59.

Discontinuing
high school.

Rev. Stat.
c. 325.

SCHOLARSHIPS.

30. Any person may, with the approval of the board, found a scholarship or prize. R.S.O. 1914, c. 268, s. 29.

Establish-
ment of
scholarship.

31.—(1) A board may annually award five scholarships to the pupils of the public or separate schools situate within the high school district.

Scholarships
for public
and separate
school pupils.

(2) The number of such scholarships shall be fixed by the high school board which may award the same by competitive examinations or otherwise and may prescribe the tenure of such scholarships and provide for the expenses of holding examinations therefor.

Number and
mode of
awarding.

(3) A scholarship shall be awarded only to a pupil who is a ratepayer or the child of a ratepayer in a municipality contributing to the maintenance of the high school. R.S.O. 1914, c. 268, s. 30.

Who may
receive.

32.—(1) A board may annually award free scholarships to the pupils on the results of form or other examinations.

Free
scholarships.

(2) The board may make such rules and regulations regarding such scholarships as it may deem expedient. R.S.O. 1914, c. 268, s. 31.

Rules as to.

33.—(1) Subject to the regulations the high school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and may make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules.

Board may
make annual
grant to the
superannua-
tion fund.

(2) A board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. R.S.O. 1914, c. 268, s. 32.

Investment
of funds.

Rev. Stat.
c. 150.

COUNTY GRANTS FOR MAINTENANCE OF HIGH SCHOOLS.

Agreement by county to co-operate with municipalities in cost of high school education.

34.—(1) The council of a county may before the 1st day of July in any year by by-law decide to provide for the cost of education of pupils at the high schools in the county by co-operation with the boards of high school trustees of the municipalities in the county on the following basis: Fifty per centum of the cost of education of resident pupils in any school to be borne by the county and fifty per centum of such cost by the high school district; and fifty per centum of the cost of education of county pupils to be borne by the county and fifty per centum of such cost by the municipalities in which the parents or guardians of the pupils reside.

Repeal of county by-law.

(2) With the approval of the Lieutenant-Governor in Council the council of a county by by-law passed by a two-thirds vote of the members of the council present and voting thereon, before the 1st day of July in any year, may repeal any by-law passed under subsection 1 and thereafter and until another by-law is passed under subsection 1, section 35 shall apply as to the apportionment of the cost of education of resident pupils and county pupils in the county. 1925, c. 78, s. 17, *part*.

Mode of determining cost of education of resident and county pupils.

(3) Where the council of a county has passed a by-law under subsection 1, and while such by-law remains in force, the cost of education of resident and county pupils shall be determined as follows: The total cost per pupil per day shall be calculated by adding to the total amount expended for permanent improvements (including amounts expended in paying off debentures and in providing for the interest payable on such debentures) the total cost of maintenance of the high school, and subtracting from this sum the amount apportioned out of the legislative grant and any amounts received from fees, and dividing the remainder by the total number of days' attendance of all pupils at the school during the year; the cost of education of resident pupils shall then be calculated by multiplying the cost per pupil per day by the total number of days' attendance of resident pupils during the year, and the cost of education of county pupils, by multiplying the cost per pupil per day by the total number of days' attendance of county pupils during the same period. 1925, c. 78, s. 17, *part*; 1927, c. 88, s. 8.

Arbitration by judge in case of disagreement.

(4) Where the corporation of the county and any board or municipality do not agree as to the amount payable under subsections 1 and 3, such amount shall be ascertained by the judge on application of either party in a manner similar to that provided for in case of an application to the judge under section 35, and the provisions of that section as to such an application and the award to be made thereon shall *mutatis mutandis* apply.

(5) The costs of a reference to the judge shall be in his discretion and the amount thereof shall be fixed by him, and he may direct to and by whom and in what manner the same shall be paid. 1925, c. 78, s. 17, *part*.

Costs of reference.

35.—(1) Where the council of any county has not passed the by-law mentioned in subsection 1 of section 34, it shall on or before the 15th day of December in each year, pay to the board of every high school in towns not separated from the county, and in villages and townships within the county for the maintenance of the high schools, an amount equal to that apportioned by the Minister to such high schools out of the legislative grant for the maintenance of high schools.

Where no agreement for co-operation, county to pay equivalent of legislative grant.

(2) Where the cost of maintenance of county pupils at a high school and the share of the cost of education of county pupils which the area constituting the high school district paid to the county during the preceding year exceeds the amount apportioned by the Minister and the fees received, the council shall in lieu of the equivalent of the amount apportioned out of the legislative grant, pay to the board a sum to be calculated as follows: To eighty per centum of the total amount expended for permanent improvements (including amounts expended in paying off debentures and in providing for the interest payable on such debentures) shall be added the total cost of maintenance of the high school; the amount apportioned out of the legislative grant, and any sums received for fees shall then be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at the school during the next preceding three years, and the resulting amount shall be multiplied by the total number of days' attendance of county pupils during the same three years; and to the resulting amount there shall be added the share of the cost of education of county pupils which the area which constitutes the high school district paid to the county during the preceding year as included in the rates levied by the county council, according to the relative equalized value, and the total amount so ascertained shall be the sum payable by the council to the board.

County grant for maintenance of county pupils at high school.

(3) Where a high school has not been in existence for three years the attendance shall be reckoned for the period during which it has been open.

Reckoning attendance.

(4) The board and the county council may, by agreement, settle the amount to be paid by the county for the education of county pupils in any year, but if they do not agree the same shall be settled by the judge on the application of either party.

Agreement to settle amount.

(5) No agreement or settlement so made shall affect the apportionment of county aid authorized by section 42.

Agreement not to affect county grant.

(6) In case of a reference the board shall submit to the judge a detailed statement of all receipts and expenditures for

Material to be submitted on reference.

the high school for each of the preceding years or a less period under consideration, which shall be certified by the auditors, and a statement certified by the chairman of the board, of the names, residences and attendance of all resident, non-resident and county pupils for each of such years or for such period, and giving a separate list with names and addresses of the county pupils on whose account the demand for payment is made, and a statement, certified by the chairman, of the amount apportioned out of the legislative grants during each of such years or during such period, and shall also furnish to the judge such further information as he may require.

Costs of reference to judge.

(7) The costs of a reference to the judge shall be in his discretion and the amount thereof shall be fixed by him, and he may direct to and by whom and in what manner the same shall be paid. 1925, c. 78, s. 17, *part*; 1927, c. 88, s. 9.

County grant to agricultural department.

36. Where an agricultural department is established by the Minister in a high school, the council of the county in which the high school is situate shall, on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, which shall be applied by the board to the purposes of such department. 1925, c. 78, s. 17, *part*.

Maintenance of county pupils at high schools.

37.—(1) Where the board of a city or a separated town has notified the county clerk that the high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county are open to such pupils, the county council shall, on or before the 15th day of December in each year, pay a sum equal to eighty per centum of the cost of education of county pupils at such high school.

Maintenance of pupils from adjacent county.

(2) Where the board of a city, town, village or township has notified the clerk of any county adjacent to that in which the high school is situate that such high school is open to pupils resident in such adjacent county on the same terms as to county pupils, the council of such adjacent county shall, on or before the 15th day of December in each year, pay for the education of pupils from such county attending such high school a sum equal to eighty per centum of the cost of the education of pupils at such high school.

Contributions by city to cost of maintenance of pupils at school in adjoining municipality.

(3) Where the board of a municipality contiguous to a city gives notice to the city clerk that such high school is open to city pupils on the same terms as it is open to the resident pupils of the municipality in which the high school is situate the council of the city shall, on or before the 15th day of December in each year, pay to the board eighty per centum of the cost of the education of city pupils at the high school. 1921, c. 89, s. 14, *part*.

(4) The amount payable under subsections 1, 2 and 3 shall be ascertained as follows: The total expenditure on the high school shall be determined by taking the sum of the total expended for maintenance and the total expended for permanent improvements (including amounts expended in paying off debentures and in providing for the interest payable on such debentures):—from the total expenditure thus calculated the amount apportioned out of the legislative grant, and any sums received for fees shall first be deducted, the remainder shall be divided by the total number of days' attendance of all pupils at such high school during the year for which payment is to be made; the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom such county or municipality is liable; the percentage prescribed shall then be determined and the resulting amount shall be the sum payable by such county or municipality. 1925, c. 78, s. 18 (1).

Mode of ascer-
taining
amount pay-
able by
county or
municipality
for non-resi-
dent pupils.

(5) Where the parties do not agree as to the amount so payable the same shall be ascertained by the judge on the application of either party.

Reference.

(6) On the reference to the judge the board shall submit to him statements similar to those mentioned in subsection 6 of section 35, certified in a similar manner, and shall furnish such further information as he may require. 1921, c. 89, s. 14, *part*.

Submission
of material
on reference.

(7) Where the council of a county has passed a by-law under subsection 1 of section 34 and while such by-law remains in force, the council of the county shall have the right to recover from the municipality in which the parents or guardians of the pupils reside fifty per centum of the cost of education of county pupils paid by the county under this section. 1925, c. 78, s. 18 (2).

Recovery
of part of
cost from
municipality.

38. Where a municipality is called upon to pay a part of the cost of education of county pupils under subsection 1 of section 34, or under subsection 7 of section 37 of this Act, all parts of such municipalities as shall be included in a high school district shall be exempt from paying any part of such cost paid by the municipality except such portion of such cost (if any) as shall be incurred in connection with pupils whose parents or guardians reside within such exempted district. 1925, c. 78, s. 22, *part*.

Right of ex-
emption of
contributing
municipalities

39. The costs of a reference to the judge under sections 35 or 37 shall be in his discretion and the amount thereof shall be fixed by him and he may direct to and by whom and in what manner the same shall be paid. R.S.O. 1914, c. 268, s. 36.

Costs of
reference to
judge.

COLLECTION OF RATES.

Councils to
levy rates in
high school
districts.

40. The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district such amount as the board may deem necessary for the maintenance of the high school in addition to that received from the county council and from other sources under this Act, and a further sum, not exceeding \$500 in any one year, if required by the board for permanent improvements, and such amount shall be levied by one uniform rate over the whole district, unless one or more of the councils of the municipalities comprising the high school district assume greater obligations when the rate shall be such as may be mutually agreed to by the councils. R.S.O. 1914, c. 268, s. 37; 1915, c. 43, s. 7.

GRANTS FOR PERMANENT IMPROVEMENTS.

Grants for
permanent
improvements
exceeding
\$500.

41.—(1) Where the sum required by a board for permanent improvements exceeds \$500 the same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the rate-payers of the municipality or municipalities or parts thereof comprising the high school district.

Application
of board to
council.

(2) The application of the board shall be made to the council or councils having jurisdiction over the high school district, and in it the board may state the minimum terms of years, not exceeding thirty, within which the sum required is to be repaid.

Council to
deal with
application.

(3) The council, or, if more than one, each of the councils applied to, at its first meeting after receiving the application, or as soon thereafter as possible shall consider and approve or disapprove the same; and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council. R.S.O. 1914, c. 268, s. 38 (1-3).

Issue of
debentures.

(4) If a council or a majority of the councils, where there are more than one, approve of the application the council of the municipality within which the high school is situate shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. R.S.O. 1914, c. 268, s. 38 (4); 1914, c. 21, s. 60.

Rev. Stat.
c. 233.

Submission
of applica-
tion to rate-
payers.

(5) If the council, or half the number of councils where there are more than one, disapprove of the application such council, or each of such councils where there are more than one, on the request of the board shall submit the application

to a vote of the electors of its municipality or of the part thereof comprised in the high school district in the manner provided by *The Municipal Act*, in the case of a money by-law. Rev. Stat. c. 233.

(6) If a majority of the votes cast throughout the high school district are in favour of the application the council of the municipality in which the high school is situate shall in the manner provided by *The Municipal Act*, but without submitting any by-law to the electors, raise the required sum by the issue of debentures. When rate-payers approve application debentures to be issued. Rev. Stat. c. 233.

(7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the same to a vote of the electors. R.S.O. 1914, c. 268, s. 38 (5-7). Council may act without submission to ratepayers.

(8) Where a high school district comprises more than one municipality or parts of more than one municipality each municipality shall be liable for such proportion of the principal and interest payable under and of the expenses connected with the debentures as the equalized assessment of that part of the high school district which is within such municipality bears to the equalized assessment of the whole district, and the council of each of the other municipalities shall pay its proportion to the council of the municipality which has issued the debentures, unless one or more of the councils assumes a greater obligation, when the proportion to be paid by each shall be such as the councils may mutually agree upon. R.S.O. 1914, c. 268, s. 38 (8) ; 1915, c. 43, s. 8. Proportionate liability for debenture debt.

(9) A debenture may be for such term of years, not exceeding thirty and not less than that mentioned in the application of the board, as the municipal council or councils concerned or a majority of them may think proper, or the council or councils or a majority of them shall, if the board has so requested, and may, whether such request has been made or not, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*. Term of debentures. Rev. Stat. c. 233.

(a) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall for the purposes of this subsection be deemed a majority.

(10) Nothing in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. R.S.O. 1914, c. 268, s. 38 (9, 10). Municipality in which high school is situated may assume full cost of permanent improvements.

Council may raise further sum for high school purposes.

42.—(1) The council of any municipality or county may raise by assessment, in addition to any sum which it is required by this Act to raise, such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be apportioned, except as hereinafter provided, among all the high schools, of the county in proportion to the liability of the county to each board.

County council may make grants to particular schools.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein. R.S.O. 1914, c. 268, s. 39.

Payment of grants for permanent improvements.

43.—(1) All money which a municipal council is required by this Act to collect for permanent improvements shall be paid to the treasurer of the board on or before the 31st day of December of the year in which application was made by the board for such money.

For maintenance.

(2) All money which a council is required to collect by assessment, or to raise by way of loan or otherwise, for the maintenance of a high school shall be paid from time to time to the treasurer of the board as the board may require. R.S.O. 1914, c. 268, s. 40.

Apportionment of high school grant in united counties.

44. The council of united counties may apportion the amount to be levied for high school purposes so that each county shall be liable only for the maintenance of the high schools within such county, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties. R.S.O. 1914, c. 268, s. 41.

When schools to be free.

45.—(1) No fees shall be payable by pupils attending a high school which they have a right to attend under the provisions of this Act.

When fees may be charged.

(2) Pupils other than the pupils referred to in subsection 1 attending a high school shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil for education in the high school.

Fees payable to treasurer.

(3) The fees payable under this section shall be payable to the treasurer of the board. 1921, c. 89, s. 15.

Maintenance of county pupils from municipality outside high school district

(4) The council of a municipality not included or not wholly included in a high school district shall provide by assessment for the payment of the maintenance, calculated in accordance with the provisions of section 35, of any pupils attending a high school in the county or in the district who reside in such municipality, but in the case of a municipality

not wholly included in a high school district such assessment shall be confined to the part which is not included within the high school district, provided, that such maintenance shall not be payable where the county council pays a maintenance grant instead of the equivalent apportioned out of the amount of the Legislative grant. 1922, c. 98, s. 21.

(5) The council of a county or of any municipality may enter into an agreement with the board of education or the high school board of any other municipality for the payment of the whole or part of any fees imposed on non-resident pupils attending a high school, collegiate institute or technical school under the control of the board of such municipality, and all agreements heretofore made by the council of a county or of any municipality for such purpose and all payments heretofore made under agreements, or otherwise, are hereby validated and confirmed and declared to have been legally made. 1924, c. 82, s. 17.

Agreements
as to fees of
non-resident
pupils.

46. County pupils shall have the right to attend any high school aided by the council of the county in which they or their parents or guardians reside. Resident pupils shall have the right to attend the high school of the district in which they or their parents or guardians reside. Non-resident pupils may attend any high school at the discretion of the board. R.S.O. 1914, c. 268, s. 43.

What school
pupils may
attend.

HIGH SCHOOL ENTRANCE EXAMINATIONS.

General.

47. Subject to the regulations—

- (a) candidates who pass the uniform entrance examination for high schools held by boards of examiners provided for in this Act shall be granted admission to the high schools;
- (b) candidates who have completed the course prescribed for the fourth form of the public school or who have in the opinion of a board of examiners completed a course which gives them an equivalent standing may in the discretion of such board of examiners be by it admitted to the high schools without passing such entrance examination;
- (c) a candidate shall be entitled to enter a high school while it is conducted at night if in the opinion of the principal of the high school and of the public school inspector or the chief public school inspector of the high school district, after due examination or other investigation, he is competent to take up the

Who may be
admitted to
high schools

Discretion
of board of
examiners.

Provision
for attend-
ance at high
school con-
ducted at
night.

subjects as prescribed by the regulations; but such admission shall not entitle him to admission to the high school when conducted by day. R.S.O. 1914, c. 268, s. 44.

Examination for entrance into middle school of high school.

48.—(1) Subject to the regulations the Minister may establish an examination for entrance to the middle school of the high schools for those who have completed the course prescribed for the lower school of the high schools, and such examinations shall be known as the “senior high school entrance examination.”

“The Junior High School Entrance Examination.”

(2) After the establishment of such examination the entrance examination provided for by section 47 shall be known as the “junior high school entrance examination.” R.S.O. 1914, c. 268, s. 45.

Who may be engaged in examinations.

49.—(1) Subject to the regulations any person actually engaged in teaching in the high school district, if a qualified examiner can be obtained therein, who holds—

(a) a permanent high school certificate; or

(b) a permanent first class certificate, or

(c) a provincial second class certificate, and has had three years' experience as a teacher

may be appointed a presiding officer or a member of a board of examiners. R.S.O. 1914, c. 268, s. 46 (1); 1927, c. 88, s. 10.

Member of board may be suspended for non-observance of regulations, etc.

(2) The Minister may suspend any member of the board from membership therein for such period as he may deem expedient in case of the failure of such member to properly observe the regulations with regard to high school entrance examinations or of being guilty of other misconduct in office.

Appointment during suspension.

(3) The Minister may appoint some other qualified person to act in the place of the member so suspended. R.S.O. 1914, c. 268, s. 46 (2, 3).

In the Counties.

Centres to be established.

50.—(1) (a) In a county in which one or more high schools have been established one or more examination centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council. The county clerk or the secretary of the board, as the case may be, shall give due notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts. R.S.O. 1914, c. 268, s. 47 (1), (a).

One board of examiners for each district.

(b) A high school district shall be under one board of examiners. The public school inspector or inspectors where there

are two or more of an inspectorate in which a high school centre or attached county centre is situate and the high school principal or principals and the technical, commercial or vocational school principal or principals in the high school district shall be members of the board of examiners. The public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the 1st day of June in any year, appoint an additional member to the board. The county council may also on or before the 1st day of June in any year appoint the principal of one continuation school, having a staff of at least two teachers, to be a member of the board of examiners of the high school district to the centre or centres of which his county centre is attached. R.S.O. 1914, c. 268, s. 47 (1), (b); 1925, c. 78, s. 19; 1927, c. 88, s. 11.

(2) (a) In a county, city or separated town, in which no high school has been established, the council of the county, city or town, at its meeting in June in each year, shall appoint a board of examiners, consisting of the public school inspectors, with as many more members as may appear to be necessary, and preference shall be given to the principals of the continuation schools of the county. R.S.O. 1914, c. 268, s. 47 (2), (a); 1917, c. 27, s. 49.

Examiners
in counties
not having
a high school.

(b) The county council shall also establish such county centres as it may deem necessary, and the county clerk shall notify the public school inspectors of the establishment of such centres. R.S.O. 1914, c. 268, s. 47 (2), (b).

County
centres.

(3) Subject to the regulations, every board of examiners shall in each year appoint such additional members as may be required.

Additional
examiners.

(4) Subject to the regulations, the expenses of the examination shall be paid, on the requisition of the chairman of the board of examiners, in the case of county centres by the treasurer of the county, and in the case of the high school district centres by the treasurer of the high school board.

Payment of
examiners'
fees.

(5) The county council or the high school board, as the case may be, may impose a fee not exceeding \$1 upon each candidate at the county and the high school district centres, which shall be paid by the candidate as prescribed by the regulations, and shall be paid over at or before the close of the written examination to the treasurer of the county or of the board, as the case may be. R.S.O. 1914, c. 268, s. 47 (3-5).

Candidates
fees.

In the Territorial Districts.

51.—(1) (a) Where there are one or more high schools in a public school inspectorate in territory without county organization there shall be a board of examiners for each high school. The inspector for the inspectorate in which the high

Examiners
in territorial
districts.

school is situate and the high school principal or principals in the high school district shall be members of the board. The public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the 1st day of June of any year, appoint an additional member. Subject to the regulations, the board of examiners in each year shall appoint such additional members as may be required, and preference shall be given to the principals of continuation schools in the inspectorate.

Examination centres.

(b) One or more centres shall be established by the high school board in each high school district and, with the approval of the Minister, other centres may be selected and attached by the public school inspector to one of the high school district centres in his inspectorate.

Where no high school has been established.

(2) (a) In an inspectorate in which no high school has been established there shall be a board of examiners consisting of the public school inspector and as many more members as may appear to him to be necessary appointed by the inspector, with the approval of the Minister, and preference shall be given to the principals of continuation schools in the inspectorate.

How selected.

(b) In such inspectorates the centres shall be selected by the inspector with the approval of the Minister.

Expenses,—how borne.

(3) Subject to the regulations, the expenses of the examinations shall be paid by the Minister out of any money appropriated by legislation and applicable to that purpose. R.S.O. 1914, c. 268, s. 48.

HIGH SCHOOL TEACHERS.

Qualification:

52.—(1) No person shall be appointed principal or assistant teacher in a high school who does not possess the qualifications prescribed by the regulations.

Regulations to apply.

(2) Every teacher of a high school shall in the organization, discipline, management and classification of the pupils be subject to the regulations.

Superannuation.

(3) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools. R.S.O. 1914, c. 268, s. 49.

Rev. Stat. c. 323.

AGREEMENTS.

Proportion of salary to which teacher entitled.

53.—(1) A teacher who enters into an agreement with a board for one year and who serves under such agreement for three months or over shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

(2) A teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the board without a certificate. R.S.O. 1914, c. 268, s. 50 (1, 2). Sickness or dental treatment.

(3) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. 1927, c. 88, s. 12. Absence of teacher in quarantine.

(4) A high school inspector may, on the complaint of a board, suspend the certificate of a teacher who wilfully neglects or refuses to carry out his agreement with the board, but the teacher may appeal to the Minister who may make such order with regard to the suspension as he may deem proper. Suspension for neglect of duty.

(5) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to the same right of appeal as under *The Public Schools Act*. R.S.O. 1914, c. 268, s. 50 (3, 4). Disputes between teachers and trustees. Rev. Stat. c. 323.

54. Subject to the approval of the Minister, a high school board or a board of education may appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils of the schools under the charge of the board as will enable them to plan intelligently for their vocational and educational advancement and every person so appointed shall be subject to the control of the board. 1921, c. 89, s. 16. Appointment of advisory officers.

RETIRING ALLOWANCES.

55. Where a teacher or an officer whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life computed on the basis of interest at the rate of four per centum per annum. R.S.O. 1914, c. 268, s. 51. Retiring allowance to teachers.

SCHOOL YEAR AND HOLIDAYS.

Terms.

56.—(1) The school year shall consist of three terms; the first shall begin on the first Tuesday of September and end on the 22nd of December; the second shall begin on the 3rd of January and end on the Thursday before Easter Day, and the third shall begin on the second Monday after Easter Day and end on the 29th of June. R.S.O. 1914, c. 268, s. 52 (1).

Holidays.

Rev. Stat.
c. 262.

(2) Every day upon which a school is closed under the provisions of *The Public Health Act* or under the regulations of the Department of Education, every Saturday, every public holiday and every day proclaimed a holiday by the council of the municipality in which the school is situate shall be a school holiday. R.S.O. 1914, c. 268, s. 52 (2); 1919, c. 73, s. 17.

AUTHORIZED BOOKS.

Text-books.

57.—(1) A teacher shall not use or permit to be used as a text-book in a high school any book except such as is authorized by the regulations, and the Minister, upon report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized book is so used.

Change of
text-books.

(2) Subject to the regulations an authorized text-book in actual use in a high school may, with the written approval of the board, be changed by the teacher for any other authorized text-book on the same subject. R.S.O. 1914, c. 268, s. 53.

OFFENCES AND PENALTIES.

Seat vacated
by interest in
contract
with board.

58. A high school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the municipality or the appointing body of the vacancy. R.S.O. 1914, c. 268, s. 54.

Newspaper
proprietors
inserting
official ad-
vertisements
not disquali-
fied from sit-
ting on
boards, etc.

59. No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which an advertisement is inserted by the board in the regular course of business, or which is subscribed for by the board, if such

advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1914, c. 268, s. 55.

60. If a trustee is convicted of an indictable offence, or becomes insane, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the county, municipality or district for which he was appointed, he shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy. R.S.O. 1914, c. 268, s. 56; 1925, c. 78, s. 13.

Seat vacated
by conviction
for crime, etc

61. Any person who wilfully interrupts or disquiets any high school by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held or so near thereto as to interfere with the order or exercises of the school, shall for each offence incur a penalty not exceeding \$20. R.S.O. 1914, c. 268, s. 57.

Disturbing
schools.

62. If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion. R.S.O. 1914, c. 268, s. 58.

Substitution
of unauthorized
text-
books.

63.—(1) A trustee who sits or votes at any meeting of the board while disqualified under this Act shall incur a penalty of \$20 for every meeting at which he so sits or votes.

Disqualified
persons acting
as trustees.

(2) Every person appointed as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 268, s. 59.

Penalty for
refusal to
perform
duties.

64. A trustee shall not be eligible for appointment as a high school teacher, nor shall the teacher of a high, public or separate school hold the office of high school trustee. R.S.O. 1914, c. 268, s. 60.

Disquali-
fication for
holding cer-
tain offices.

65. If a board refuses or neglects to take proper security from the treasurer or other person to whom they entrust school money and any school money is forfeited or lost to the board in consequence of such refusal or neglect every member of the board shall be personally liable for such money, and the same may be recovered by the board or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all ratepayers of the high school district interested

Liability for
neglect to
take security

in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1914, c. 268, s. 61.

Trustee may not be secretary, treasurer, or bondsman.

66. A trustee shall not be appointed secretary, treasurer, or secretary-treasurer of the board or be bondsman or surety for the treasurer or secretary-treasurer or for any person entrusted with school money. R.S.O. 1914, c. 268, s. 62.

Duty to deliver up books or money.

67.—(1) A treasurer, secretary or secretary-treasurer, or a person having been such treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such treasurer, secretary, secretary-treasurer, or trustee or otherwise shall not wrongfully withhold or neglect or refuse to deliver up or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

Summons for appearance.

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon such treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

Service of summons.

(3) A bailiff of a division court upon being required so to do by the judge shall serve the summons, or a true copy thereof, on the person complained against personally or by leaving the same with a grown-up person at his residence.

Order to account.

(4) At the time and place so appointed the judge if satisfied that service has been made shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

Effect of non-compliance with judge's order.

(5) In the event of non-compliance with the order the judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge on complying with order.

(6) Upon proof of his having so done the judge shall make an order for his discharge and he shall be discharged accordingly.

(7) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just. Discharge on terms.

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1914, c. 268, s. 63. Other remedy not affected.

68. It shall be the duty of a board and of the treasurer, secretary or secretary-treasurer to furnish the auditors with any papers and information in their power which may be required of them relative to the school accounts, and any member of the board and a treasurer, secretary or secretary-treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 268, s. 64. Penalties on trustees refusing information, etc., to auditor.

69. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, such trustee or teacher shall for every offence incur a penalty not exceeding \$20. R.S.O. 1914, c. 268, s. 65. Penalty for false school reports and registers.

70.—(1) No person other than a ratepayer, trustee or high school teacher may take proceedings to recover any penalty imposed by this Act. Who may prosecute.

(2) Every penalty imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*, and unless otherwise provided shall be payable to the treasurer of the board of the high school district in which the offence was committed and shall be applied to high school purposes, except when the penalty is imposed upon a treasurer, secretary or secretary-treasurer, in which case the same shall be payable to the chairman of the board and shall be applied to high school purposes. R.S.O. 1914, c. 268, s. 66, *part*. Payment and application of penalties. Rev. Stat. c. 121.

[N.B.—*A trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and any one employing or paying him to act as agent or otherwise, are liable to the penalties imposed by the Department of Education Act, Rev. Stat., c. 322.*]

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CHAPTER 53.

The School Law Amendment Act, 1928.

Assented to 3rd April, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 41 of *The Public Schools Act* is repealed. Rev. Stat., c. 323, s. 41, subs. 4, repealed.

2. Subsection 4 of section 15 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat. c. 323, s. 15, subs. 4, repealed.

- (4) The election of school trustees for the township school area shall be by ballot and shall be held for the year following the year in which the by-law takes effect and in each year thereafter as nearly as may be in the same manner as an election of members of a municipal council and the clerk of the township shall be the returning officer at each election, and except as herein otherwise provided all the provisions of this Act applicable to the election of trustees by ballot shall apply as nearly as may be to the election of school trustees under this section. Township school area, election of trustees.
- (4a) Of the trustees elected at the first election the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year. Term of office.
- (4b) After the first election an election shall be held in each year to fill the places of trustees whose terms of office have expired and the trustees elected shall hold office for two years. Subsequent elections.
- (4c) In case at the first election of trustees two or more trustees receive an equal number of votes the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board. Equality of votes at first election.

Rev. Stat.
c. 325, s. 7,
subs. 2, cl. f,
repealed.

3. The clause lettered *f* in subsection 2 of section 7 of *The Continuation Schools Act* is repealed.

Rev. Stat.
c. 326, s. 6,
subs. 4,
repealed.

4. Subsection 4 of section 6 of *The High Schools Act* is repealed and the following substituted therefor:

Trustees of
high school
district.

- (4) The board of trustees shall be composed of six members who shall be appointed by the council of the county.

Term of
office.

- (4a) Two of the trustees so appointed shall be appointed in the first instance for three years, two for two years, and two for one year, and thereafter two trustees shall be appointed in each year to hold office for three years in place of those whose term has expired.

Rev. Stat.
c. 326,
amended.

5. *The High Schools Act* is amended by adding thereto the following section:

Consultative
committee.

- 39a.—(1) The council of any county in which the by-law mentioned in subsection 1 of section 34 is in force may establish a consultative committee which shall consist of the public school inspector or one of the inspectors where there are more than one for the county, an officer appointed by the Department of Education and three members to be appointed by the council.

Functions of
committee.

- (2) The council may submit to the committee, and direct it to report upon petitions for the setting up of new high school districts or the modification or alteration of the boundaries of existing districts, and may direct the committee to obtain information and make recommendations regarding any question affecting the facilities for education in the continuation schools and high schools in the county and the liability of the county for the support of such schools and the cost to the county of the education of pupils in such schools.

Department
may employ
committee.

- (3) The Department of Education may direct the committee to obtain information upon any question affecting applications for the approval of continuation schools or high schools or of sites and buildings for such schools.

Statements
from local
school
boards.

- (4) Continuation school boards, high school boards and boards of education having control of schools within the county shall, upon application, furnish to the committee detailed statements of the names, residences and attendance of all resident, non-resident and county pupils and of all receipts and expenditures together with any further information which

the committee may require concerning matters which in any way affect the liability of the county or the cost of education of pupils.

- (5) The reports of the committee and the recommendations made by it shall be used for the purpose of obtaining information only, and the recommendations of the committee shall not be binding upon the Department, the county council or the boards in control of continuation schools or high schools. Recommendations not to bind Department or council.

6.—(1) The clause lettered *b* in subsection 1 of section 50 of *The High Schools Act* is amended by inserting after the word “examiners” in the seventh line the words “the Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate.” Rev. Stat., c. 326, s. 50, subs. 1, cl. b, amended.

(2) The clause lettered *a* in subsection 1 of section 51 of *The High Schools Act* is amended by inserting after the word “board” in the sixth line the words “The Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate.” Rev. Stat., c. 326, s. 51, subs. 1, cl. a, amended.

7. Section 22 of *The Boards of Education Act* is amended by striking out the words “or who is appointed by the county council” in the second line and inserting in lieu thereof the words “or a member appointed by the county council who is not a resident of the high school district” and by adding at the end thereof the words “in such district,” so that the section will now read as follows: Rev. Stat., c. 327, s. 22, amended.

22. A member of a board who is a separate school supporter, or a member appointed by the county council who is not a resident of the high school district, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools in such district. County representatives on boards of education.

8. Subsection 1 of section 53 of *The Separate Schools Act* is amended by striking out the words “as provided by section 118 of *The Public Schools Act*” and inserting in lieu thereof the words “subject to appeal as is provided by section 121 of *The Public Schools Act*.” Rev. Stat., c. 328, s. 53, subs. 1, amended.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

ONTARIO PRESS, LIMITED,
Printers and Publishers,
Toronto.

THE BOARDS OF EDUCATION ACT

Revised Statutes of Ontario, 1927
Chapter 327

The School Law Amendment Act, 1928, being Chapter
53 of the Ontario Statutes, 1928, has been inserted
following the index. See section 7 for amendment
to the Boards of Education Act



ONTARIO
DEPARTMENT OF EDUCATION

TORONTO

Printed and Published by the Printer to the King's Most Excellent Majesty
1928

The Boards of Education.

R.S.O. 1927, Chapter 327.

Interpretation. 1. In this Act—

- "High School" (a) "High School" shall include a collegiate institute;
- "High School District." (b) "High school district" and "district" shall mean the territory over which a high school board has jurisdiction;
- "Municipal Board" and "Municipal Board of Education." (c) "Municipal Board" and "Municipal Board of Education" shall mean a board of education organized pursuant to a resolution passed by the council of any city, town or village under the provisions of this Act;
- "Secretary" and "Treasurer." (d) "Secretary" and "Treasurer" shall include a secretary-treasurer;
- "Union Board" or "Union Board of Education." (e) "Union Board" and "Union Board of Education" shall mean a board of education formed by the union of a high school board with one or more public school boards. R.S.O. 1914, c. 269, s. 2; 1927, c. 90, s. 2.

MUNICIPAL BOARDS OF EDUCATION.

Resolution to form municipal board of education.

2.—(1) When a high school district does not extend beyond the limits of the municipality the council of a city, town or village in which one or more high schools are situate may, on or before the 1st day of October in any year, at a meeting specially called for the purpose, declare by resolution that it is expedient to form a municipal board of education under this Act.

May be passed although union board exists.

(2) Such resolution may be passed notwithstanding that a union board of education already exists in the municipality.

Submitting question of establishment of Board of Education to electors.

(3) The council shall, at the next succeeding municipal election, submit to a vote of the electors the question: "Are you in favour of the formation of a Municipal Board of Education," and in case the question is answered in the affirmative by a majority of the electors voting thereon, the elective members of the board shall be elected at the next ensuing municipal election, and the members to be appointed shall thereupon be appointed and the Board organized in accordance with the provisions of this Act. R.S.O. 1914, c. 269, s. 4 (1-3).

(4) Upon the organization of the board all the property theretofore vested in the high school board and the public school board shall become vested in the municipal board, and all the debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board. R.S.O. 1914, c. 269, s. 4 (4); 1927, c. 90, s. 4.

Powers,
rights and
duties of.

3.—(1) Except as hereinafter provided every municipal board shall be composed as follows:—

Composition
of municipal
boards.

(a) In a city having a population of 50,000 or more, of fourteen members, twelve of whom shall be elected as hereinafter provided and two of whom shall be appointed by the separate school board of the city: R.S.O. 1914, c. 269, s. 5 (1) (a); 1927, c. 90, s. 5.

(b) In a city having a population of less than 50,000, of ten members, nine of whom shall be elected as hereinafter provided and one appointed by the separate school board of the city;

(c) In a town or village, of eight members, seven of whom shall be elected as hereinafter provided and one appointed by the separate school board of such town or village;

(d) Subject to the provisions of clause *e* where there is no separate school board, the board shall be composed of the elected members only; R.S.O. 1914, c. 269, s. 5 (1) (b-d).

(e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, for high school purposes, the council of such county at its first meeting in the second year following the passing of the resolution mentioned in section 2 shall appoint three additional members of the board, as authorized by *The High Schools Act*; R.S.O. 1914, c. 269, s. 5 (1) (e); 1925, c. 78, s. 14;

Appointment
by county
councils to
boards in
towns not
separated
from county.

Rev. Stat.
c. 326.

(f) When by reason of increased population additional representation on a board becomes necessary the appointment shall be made and the election shall take place of the additional members at the regular time for the next ensuing year, and the election of such members and of those required to replace retiring members shall be decided together in accordance with the provisions of subsection 7. 1914, c. 21, s. 61.

Increasing
representa-
tion first
election
of new
member.

(2) A board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members which it has the right to appoint.

Board not to
be incomplete
by reason of
failure to
appoint.

Mode of election.

(3) The members to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve; and, save as otherwise provided, all the provisions of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot shall apply to the election. R.S.O. 1914, c. 269, s. 5 (2, 3).

Rev. Stat. c. 323.

First election of members of board.

(4) The first election shall take place at the time of holding the municipal elections for the year following the obtaining of the consent of the ratepayers, as provided in subsection 3 of section 2; but nothing in this Act shall affect any board having jurisdiction over any public school, high school or technical school during the year in which such resolution is passed. R.S.O. 1914, c. 269, s. 5 (4); 1917, c. 27, s. 50.

Number of votes for candidates.

(5) Every person qualified to vote shall be entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.

First election after organization.

(6) At the first election the full number of elective members shall be elected.

Terms of office of first members.

(7) One-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized.

Retirement where members have equal votes.

(8) Where two or more members receive an equal number of votes at the first election and no agreement as to which of them shall retire is reached at the first meeting of such board, then at the next meeting the question shall be determined by lot to be cast by the secretary in presence of the board, and the result shall be entered upon the minutes of the meeting.

Subsequent elections.

(9) At each annual election after the first a sufficient number of members shall be elected for two years to fill the place of members retiring.

Retiring members eligible for re-election.

(10) The members retiring at the expiration of the terms for which they were respectively elected or appointed shall be eligible for re-election or re-appointment if otherwise qualified.

Appointment by separate school board.

(11) The appointment of a member or members by the separate school board shall be made at the first meeting thereof in the year in which the first election of the municipal board is held and at its first meeting in every second year thereafter.

(12) Any member so appointed shall hold office for two Term of office. years and until his successor is appointed.

(13) No member of a body having the right to appoint a Members of appointing body not eligible. member of a municipal board of education shall be eligible for appointment or election as a member of the board. R.S.O. 1914, c. 269, s. 5 (5-13).

4. The council of any municipality may at any time before the 1st day of October in any year submit to the vote of the persons qualified to vote for public school trustees the question: "Are you in favour of the annual election of the members of the Board of Education?" and in case the question is answered in the affirmative by a majority of the electors voting thereon, all the elective members of such board shall be elected annually, and the clerk of the municipality shall notify the secretary of the board of education, in writing, of the result of the voting, and all the members of the board of education shall cease to hold office on the 31st day of December of the same year. 1927, c. 90, s. 6 (3). Annual election of Board—vote of rate-payers on question.

5.—(1) The council of any city having a population of not less than 200,000 may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the Board of Education by wards?" Election of members by wards in cities of 200,000. Submission of question. R.S.O. 1914, c. 269, s. 6 (1); 1927, c. 90, s. 6 (1).

(2) In case the question is answered in the affirmative by a majority of the persons voting thereon the clerk of the city shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board of education shall cease to hold office on the 31st day of December of the same year, and thereafter the board shall consist of two members to be elected in each ward of such city and two members who shall be appointed by the separate school board. R.S.O. 1914, c. 269, s. 6 (2); 1927, c. 90, s. 6 (2). How board to be constituted if question answered in affirmative.

(3) At the first election held after the question shall have been so answered in the affirmative the requisite number of members shall be elected; and in each ward the two candidates receiving the highest number of votes shall be elected, and as between themselves the candidate having the larger number of votes shall continue in office for two years and the other for one year, and until their respective successors have been elected under this Act and the new board organized. First election.

(4) At each annual election after the first the term of office Term of office. of each elected member shall be two years. R.S.O. 1914, c. 269, s. 6 (3, 4).

Provisions of
Rev. Stat.
c. 323.
as to qualifica-
tion and elec-
tion to apply.

(5) All the provisions of *The Public Schools Act* respecting the qualification and election of trustees shall apply to the election of such members.

Application
of general
provisions.

(6) Save as in this section is otherwise provided the provisions of this Act shall apply to a board of education organized under this section. R.S.O. 1914, c. 269, s. 6 (5, 6).

Vote of rate-
payers on
repeal of
by-law for
election of
board by
wards.

6. The council of any city which has passed a by-law under the provisions of the preceding section may at any time before the 1st day of October in each year submit to the persons qualified to vote for a public school trustee, the question "Are you in favour of repealing the by-law for electing the Board of Education by wards?" and if the question is answered in the affirmative by the majority of the electors voting thereon, the election shall thereafter be conducted in the manner provided by section 3. 1927, c. 90, s. 7.

Vacancies in
cases of
elected
members.

7.—(1) Where the office of an elected member becomes vacant from any cause before the expiration of the term for which he was elected a majority of the remaining elected members present shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected.

Casting vote.

(2) In case of an equality of votes the elected member having the largest number of votes at his election shall have a second or casting vote. R.S.O. 1914, c. 269, s. 7 (1, 2).

Vacancies in
cases of
appointed
members.

8.—(1) Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed the vacancy shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed.

Failure to
appoint at
prescribed
time.

(2) When an appointing body fails to appoint a member at the prescribed time the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed. R.S.O. 1914, c. 269, s. 8.

First meeting
each year.

9. Unless a date for the first meeting has been decided upon by the old board the first meeting of every municipal board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. R.S.O. 1914, c. 269, s. 9; 1922, c. 98, s. 23.

Board to be a
corporation.

10. Every municipal board shall be a corporation by the name of "The Board of Education for the (*naming the city, town or village*)" and shall have and possess all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board, or a high school board. R.S.O. 1914, c. 269, s. 10. *part*.

INSPECTORS.

11.—(1) The Minister shall from time to time determine the number of public school inspectors to be appointed by a municipal board in any city or separated town. Minister to determine a number of inspectors.

(2) Where more inspectors than one are appointed the board may designate one of such inspectors "chief inspector," and the other or each of the others "inspector," and shall prescribe the duties of each. R.S.O. 1914, c. 269, s. 11. Where more than one inspector, a chief inspector may be appointed.

12. Where a municipal board is organized under this Act in a municipality any union board of education then existing therein shall thereby be dissolved. R.S.O. 1914, c. 269, s. 12. Union board to be dissolved on organization of municipal board.

UNION BOARDS OF EDUCATION.

13.—(1) A high school board of a municipality in which a municipal board has not been organized and the board of public school trustees of the same municipality may unite as a union board of education on filing with the clerk of the municipality in which the high school is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union. R.S.O. 1914, c. 269, s. 13 (1). Union boards of education. How formed.

(2) The union shall take effect on the day fixed under this Act for the first meeting in each year of a union board, next following the passing of the resolutions, and upon the formation of such union board all property theretofore vested in the boards so uniting shall become vested in such union board, and all debts, contracts, agreements and obligations of the boards so uniting shall become debts, contracts, agreements and obligations of the union board. R.S.O. 1914, c. 269, s. 13 (2); 1927, c. 90, s. 8 (1). Powers, rights and duties of former school boards.

(3) The members of the high school and public school boards forming the union who are then in office shall continue in office until the expiration of the terms for which they were respectively appointed or elected and shall be the members of the union board, and the trustees for such public and high schools shall continue to be appointed and elected as if the union had not been formed and when so appointed or elected shall be the members of the union board. R.S.O. 1914, c. 269, s. 13 (3). Former trustees to continue in office. New trustees to be elected and appointed pursuant to public and high schools Acts.

14. Every union board shall be a corporation by the name of "The Board of Education for (*naming the municipality in which the high school is situate*)," and such corporation shall have all the powers, perform all the duties and be subject to all the obligations of high school and public school boards. R.S.O. 1914, c. 269, s. 14. To be a corporation.

Dissolution of
union boards.

15.—(1) If at a meeting of a union board specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof the board shall be dissolved on the date fixed for holding the first meeting of a union board in any year next following such vote. R.S.O. 1914, c. 269, s. 15 (1) ; 1927, c. 90, s. 9.

On dissolution
the different
members to
continue
as members
of separate
boards.

(2) Where a board is dissolved the members thereof who are high school trustees shall constitute the high school board and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected.

Division of
property on
dissolution.

(3) Upon the dissolution all property held or possessed by the union board for high school purposes shall forthwith vest in the high school board, and all property held or possessed by the union board for public school purposes shall forthwith vest in the public school board, and all property held or possessed by the union board at the time of its dissolution partly for high school and partly for public school purposes shall be divided as may be agreed upon by such high school and public school boards at a meeting called for that purpose.

When council
to make
division.

(4) If no division is made within six months after the dissolution the division shall be made forthwith by the council of the local municipality in which the high school is situate. R.S.O. 1914, c. 269, s. 15 (2-4).

First meeting
in each year.

16. Unless all members of the new board have been appointed and a date for the first meeting has been decided upon by the old board, the first meeting of every union board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. R.S.O. 1914, c. 269, s. 16.

GENERAL PROVISIONS.

Municipal
and union
board,
proceedings
at first
meeting.

17.—(1) The first meeting of every municipal and union board after its organization or formation shall be held in the room, if any, provided for the board in the municipal building, and, if no room is provided, at the usual place of meeting of the former public school board, and the first meeting in subsequent years shall be held at such place as the board shall determine.

Election of
chairman.

(2) At the first meeting in each year of every new municipal board and union board, and whenever the office of chairman becomes vacant, then at the first meeting of the board after the vacancy occurs, the members shall elect one of their number to be **chairman of the board**.

(3) In case of an equality of votes the elected member who has received the largest number of votes at his election shall have a second or casting vote. Casting vote.

(4) The members of the board may also elect one of their number to be vice-chairman and he shall preside in the absence of the chairman. Vice-chairman.

(5) If at any meeting neither the chairman or vice-chairman is present the members present may elect a chairman for that meeting. Temporary chairman.

(6) At the first meeting after the organization or formation of the board, and so often as a vacancy occurs, the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board. Secretary-treasurer.

(7) At any meeting of a board at which a chairman is to be elected the secretary, if present, shall preside until the chairman is elected, and if the secretary is not present the members present may elect one of their number for that purpose. Who to preside during election of chairman.

(8) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. Acting secretary provided for.
R.S.O. 1914, c. 269, s. 17.

18. The presence of a majority of all the members constituting a board shall be necessary to form a quorum. R.S.O. 1914, c. 269, s. 18. Quorum.

19. The chairman or vice-chairman or member presiding may vote with the other members on all questions, and, subject to the provisions hereinbefore contained as to a second or casting vote where there is an equality of votes at an election of chairman, any question on which there is an equality of votes shall be deemed to be negatived except in case of an equality of votes for the election of a secretary or a treasurer, or secretary-treasurer, when the chairman or other presiding officer shall have a second or casting vote. R.S.O. 1914, c. 269, s. 19. Chairman may vote. Certain questions negatived when there is an equality of votes.

20. The provisions of *The Public Schools Act* and of *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, shall apply to all boards. R.S.O. 1914, c. 269, s. 20. Disqualification. Rev. Stat. cc. 323, 326.

Special and
advanced
courses of
study in high
schools.

21.—(1) Every board of education having jurisdiction over more than one high school, with the approval of the Minister of Education may,—

- (a) make such modifications of the school courses prescribed for the high, industrial, technical and art schools under its jurisdiction as it deems expedient;
- (b) provide for special or advanced instruction in any of such courses;
- (c) designate such schools, or any of them, English, commercial, technical, industrial, art or classical high schools, according to the course or courses of instruction provided therefor.

Application of
regulations.
Rev. Stat.,
c. 322.

(2) The accommodations and equipment of the school and the qualifications of the staff shall be subject to the regulations made under the authority of *The Department of Education Act*. R.S.O. 1914, c. 269, s. 21.

Restriction
upon member
who is sep-
arate school
supporter.

22. A member of a board who is a separate school supporter, or who is appointed by the county council, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools. R.S.O. 1914, c. 269, s. 22; 1925, c. 78, s. 15; 1927, c. 90, s. 10.

This Act to be
read with
certain other
Acts.
Rev. Stat.
cc. 323,
326, 334.

23. The provisions of *The Public Schools Act*, *The High Schools Act* and *The Vocational Education Act*, which are not inconsistent with this Act, shall be read as part of this Act and so far as such provisions are inconsistent with the provisions of this Act they shall not apply to municipal boards or union boards. R.S.O. 1914, c. 269, s. 23.

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CHAPTER 53.

The School Law Amendment Act, 1928.

Assented to 3rd April, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 41 of *The Public Schools Act* is repealed. Rev. Stat., c. 323, s. 41, subs. 4, repealed.

2. Subsection 4 of section 15 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat. c. 323, s. 15, subs. 4, repealed.

- (4) The election of school trustees for the township school area shall be by ballot and shall be held for the year following the year in which the by-law takes effect and in each year thereafter as nearly as may be in the same manner as an election of members of a municipal council and the clerk of the township shall be the returning officer at each election, and except as herein otherwise provided, all the provisions of this Act applicable to the election of trustees by ballot shall apply as nearly as may be to the election of school trustees under this section. Township school area, election of trustees.
- (4a) Of the trustees elected at the first election the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year. Term of office.
- (4b) After the first election an election shall be held in each year to fill the places of trustees whose terms of office have expired and the trustees elected shall hold office for two years. Subsequent elections.
- (4c) In case at the first election of trustees two or more trustees receive an equal number of votes the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board. Equality of votes at first election.

Rev. Stat.
c. 325, s. 7,
subs. 2, cl. f,
repealed.

3. The clause lettered *f* in subsection 2 of section 7 of *The Continuation Schools Act* is repealed.

Rev. Stat.
c. 326, s. 6,
subs. 4,
repealed.

4. Subsection 4 of section 6 of *The High Schools Act* is repealed and the following substituted therefor:

Trustees of
high school
district.

(4) The board of trustees shall be composed of six members who shall be appointed by the council of the county.

Term of
office.

(4a) Two of the trustees so appointed shall be appointed in the first instance for three years, two for two years, and two for one year, and thereafter two trustees shall be appointed in each year to hold office for three years in place of those whose term has expired.

Rev. Stat.
c. 326,
amended.

5. *The High Schools Act* is amended by adding thereto the following section:

Consultative
committee.

39a.—(1) The council of any county in which the by-law mentioned in subsection 1 of section 34 is in force may establish a consultative committee which shall consist of the public school inspector or one of the inspectors where there are more than one for the county, an officer appointed by the Department of Education and three members to be appointed by the council.

Functions of
committee.

(2) The council may submit to the committee, and direct it to report upon petitions for the setting up of new high school districts or the modification or alteration of the boundaries of existing districts, and may direct the committee to obtain information and make recommendations regarding any question affecting the facilities for education in the continuation schools and high schools in the county and the liability of the county for the support of such schools and the cost to the county of the education of pupils in such schools.

Department
may employ
committee.

(3) The Department of Education may direct the committee to obtain information upon any question affecting applications for the approval of continuation schools or high schools or of sites and buildings for such schools.

Statements
from local
school
boards.

(4) Continuation school boards, high school boards and boards of education having control of schools within the county shall, upon application, furnish to the committee detailed statements of the names, residences and attendance of all resident, non-resident and county pupils and of all receipts and expenditures together with any further information which

the committee may require concerning matters which in any way affect the liability of the county or the cost of education of pupils.

- (5) The reports of the committee and the recommendations made by it shall be used for the purpose of obtaining information only, and the recommendations of the committee shall not be binding upon the Department, the county council or the boards in control of continuation schools or high schools.
- Recommendations not to bind Department or council.

6.—(1) The clause lettered *b* in subsection 1 of section 50 of *The High Schools Act* is amended by inserting after the word “examiners” in the seventh line the words “the Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate.”

Rev. Stat., c. 326, s. 50, subs. 1, cl. b, amended.

(2) The clause lettered *a* in subsection 1 of section 51 of *The High Schools Act* is amended by inserting after the word “board” in the sixth line the words “The Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate.”

Rev. Stat., c. 326, s. 51, subs. 1, cl. a, amended.

7. Section 22 of *The Boards of Education Act* is amended by striking out the words “or who is appointed by the county council” in the second line and inserting in lieu thereof the words “or a member appointed by the county council who is not a resident of the high school district” and by adding at the end thereof the words “in such district,” so that the section will now read as follows:

Rev. Stat., c. 327, s. 22, amended.

22. A member of a board who is a separate school supporter, or a member appointed by the county council who is not a resident of the high school district, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools in such district.
- County representatives on boards of education.

8. Subsection 1 of section 53 of *The Separate Schools Act* is amended by striking out the words “as provided by section 118 of *The Public Schools Act*” and inserting in lieu thereof the words “subject to appeal as is provided by section 121 of *The Public Schools Act*.”

Rev. Stat., c. 328, s. 53, subs. 1, amended.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

ONTARIO PRESS, LIMITED,
Printers and Publishers,
Toronto.

The Separate Schools Act

Revised Statutes of Ontario, 1927,
Chapter 328

The School Law Amendment Act, 1928, being Chapter
53 of the Ontario Statutes, 1928, has been inserted
following the Index. See section 8 for amend-
ment to The Separate Schools Act



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The Separate Schools Act.

R.S.O. 1927, Chapter 328.

PART I.

PROTESTANT AND COLOURED SEPARATE SCHOOLS.

1. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being Protestants, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for Protestants. R.S.O. 1914, c. 270, s. 2.

Conditions
on which
separate
schools
may be
established.

Protestants.

2. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being coloured people, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for coloured people. R.S.O. 1914, c. 270, s. 3.

Coloured
people.

3. In a township the council shall prescribe the location of the school or schools authorized to be established under the next preceding two sections. R.S.O. 1914, c. 270, s. 4.

Location.

4. No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the school house. R.S.O. 1914, c. 270, s. 5.

Who may be
supporter of
school for
coloured
people.

5. There shall be three trustees for each separate school and the first meeting for their election shall be held and conducted in the manner provided by section 26. R.S.O. 1914, c. 270, s. 6.

Election of
trustees.

6. On the 25th day of December next following the date of the application mentioned in sections 1 and 2, the separate school shall go into operation, and shall, with respect to the persons for whom it is established, be under the same regulations as the public schools. R.S.O. 1914, c. 270, s. 7.

Commence-
ment and
regulations.

Voters
defined.

7. None but coloured people shall vote at the election of trustees of a separate school established for coloured people; and none but the persons petitioning for the establishment of or sending children to a Protestant separate school shall vote at the election of trustees of such school. R.S.O. 1914, c. 270, s. 8.

Union of
wards in
cities and
towns.

8. In a city or town the persons who make the application may have a separate school in each ward, or in two or more wards united as they may judge expedient. R.S.O. 1914, c. 270, s. 9.

Restriction
upon estab-
lishment of
Protestant
school.

9. No Protestant separate school shall be established in any school section except when the teacher of the public school in such section is a Roman Catholic. R.S.O. 1914, c. 270, s. 10.

Exemption
from public
school rates.

10.—(1) In a city, town, village or township public school section in which a separate school exists, every Protestant or coloured person, as the case may be, paying rates, whether as owner or tenant, and being a supporter of such school, shall be exempt from the payment of all rates imposed for the support of public schools and public school libraries, or for the purchase of land or the erection of buildings for public school purposes, within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of the school.

Exemption
conditional.

(2) Such exemption shall not extend beyond the period during which such person is a supporter of the school, or to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken or entered into before the establishment of the separate school. R.S.O. 1914, c. 270, s. 11.

Not to share.

11. Separate schools shall not share in money raised by local municipal assessment for public school purposes. R.S.O. 1914, c. 270, s. 12.

Share of
legislative
grant.

12. Every separate school shall share in the legislative public school grants in like manner as a public school. R.S.O. 1914, c. 270, s. 13.

Half-yearly
return to
inspector.

13.—(1) The trustees of every separate school shall, on or before the 30th day of June and the 31st day of December of each year, transmit to the public school inspector a correct return of the names of all Protestant or coloured persons, as the case may be, who have sent children to or who have subscribed for the support of such separate school during the last preceding six months, the names of the children sent and the amounts subscribed, together with a statement of the average attendance of pupils in the separate schools during such period.

(2) The inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established stating the names of all the persons who being Protestant or coloured persons, as the case may be, contribute, or send children to the separate school.

Inspector
to report
to clerk.

(3) Except for a rate for building school-houses undertaken before the establishment of the separate school the clerk shall not include in the collector's roll for the general or other school rate, and the board of trustees shall not include in their school rolls any person whose name appears upon the last mentioned return.

Exemption
of support-
ers of sepa-
rate schools
from rates.

(4) The clerk or other officer of the municipality within which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any trustee or the authorized collector of the board to make a copy of such roll so far as it relates to their school section. R.S.O. 1914, c. 270, s. 14.

Use of asses-
sor's roll by
board.

14. Sections 27 to 48, 50 to 53 and 89 shall apply to the trustees and teachers of such separate schools. R.S.O. 1914, c. 270, s. 15.

Application
of ss. 27 to 48,
50 to 53 and
89.

15. The trustees of a separate school shall be a body corporate under the name of "The Trustees of the Protestant (or Coloured) Separate School of _____ in the Township (City, Town or Village, *as the case may be*), of _____," and shall have such powers as to imposing, levying and collecting school rates or subscriptions upon and from persons sending children to or subscribing towards the support of the separate school as are provided by section 66. R.S.O. 1914, c. 270, s. 16.

Corporate
name.

Powers.

PART II.

ROMAN CATHOLIC SEPARATE SCHOOLS.

ESTABLISHMENT.

16. This Part shall apply to separate schools for Roman Catholics now or hereafter established. R.S.O. 1914, c. 270, s. 17.

Application
of following
part of Act.

17. In this Part,

(a) "Regulations" shall mean regulations made under *The Department of Education Act*;

Interpreta-
tion.

"Regulations."
Rev. Stat.
c. 322.

(b) "Rural school" shall mean separate school for Roman Catholics in a township or in territory without municipal organization;

"Rural
School."

"Secretary-treasurer."

(c) "Secretary" or "Treasurer" shall include a secretary-treasurer;

"Separate School."

(d) "Separate school" shall mean separate school for Roman Catholics;

"Urban School."

(e) "Urban school" shall mean separate school for Roman Catholics in a city, town or village. R.S.O. 1914, c. 270, s. 18.

Meeting to establish a separate school.

18. Not less than five heads of families, being householders or freeholders resident within any public school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. R.S.O. 1914, c. 270, s. 19.

Election of trustees.

19. A majority of the persons present, being householders or freeholders, and Roman Catholics, may at such meeting elect from the duly qualified persons the requisite number of trustees. R.S.O. 1914, c. 270, s. 20.

Notice of meeting; and to whom given.

20.—(1) Notice in writing that such meeting has been held, and of such election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences the persons elected as trustees.

Notification of result to Department.

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the same so endorsed and duly certified by him to such trustee, who shall forthwith transmit the same and a copy of the minutes of the meeting and of the notice calling it to the Department of Education.

Corporate name of trustees.

(3) From and after the delivery of the notice to such officer the trustees therein named shall be a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (Town or Village, *as the case may be*) of _____" and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number _____, in the Township of _____." R.S.O. 1914, c. 270, s. 21.

SCHOOL BOARDS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

Meeting for purpose of electing trustees.

21.—(1) In unorganized townships and in any part of Ontario not surveyed into townships any number of heads of families, not less than ten, who are Roman Catholics, may, at a public meeting called for that purpose, elect three of

their number as school trustees, and the trustees so elected shall have all the powers of public school boards in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

(2) On receipt of notice by the Department of Education, signed by the trustees so elected, that a school has been established and suitable accommodation provided for school purposes the Minister of Education may pay to the board out of the appropriation made by this Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant-Governor in Council.

Legislative grants.

(3) The board may appoint a fit and proper person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums which the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to such collector at the rate of not less than five nor more than ten per centum on the money collected by him; and every collector shall give such security as may be required by the board.

Appointment of collector.

(4) Every collector shall have the same powers in collecting the school rate, rate-bill or subscription and shall be under the same liabilities and obligations and proceed in the same manner as a township collector in collecting rates in a township. R.S.O. 1914, c. 270, s. 22.

Powers and duties of collectors.

RURAL SEPARATE SCHOOLS.

Meetings of Supporters and Elections.

22. For every rural school there shall be three trustees each of whom, after the first election, shall hold office for three years and until his successor has been elected. R.S.O. 1914, c. 270, s. 23.

Trustees' term of office.

23.—(1) The trustees elected at the first meeting shall hold office,

Retirement by rotation.

- (a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;
- (b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;
- (c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

Vacancies.

(2) A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

Resignations.

(3) A trustee may resign with the consent in writing of the other trustees.

Re-election.

(4) A retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. R.S.O. 1914, c. 270, s. 24.

Trustees' qualification.

24. Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he is or is not a householder or freeholder. R.S.O. 1914, c. 270, s. 25.

Electors' qualification of.

25. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of such school. R.S.O. 1914, c. 270, s. 26.

Annual meeting, when held.

26.—(1) A meeting of the supporters of the school shall be held annually on the last Wednesday of December, or if that day is a holiday on the next day following, commencing at ten o'clock in the forenoon, or if the board by resolution so directs at seven o'clock in the afternoon, for the purpose, among other things, of electing a school trustee or trustees.

Organization of meeting.

(2) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this Part.

Order of business.

(3) The business of the meeting may be conducted in the following order,—

- (a) receiving and dealing with the annual report of the trustees;
- (b) receiving and dealing with the annual report of the auditors;
- (c) electing one or more auditors for the current year;
- (d) electing a trustee or trustees to fill any vacancy or vacancies; and
- (e) miscellaneous business.

Chairman, duties of.

(4) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman shall not be entitled to vote except in the case of an equality of votes, when he shall give the casting vote, and he shall decide all questions of order subject to an appeal to the meeting.

(5) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record as herein directed the names of all qualified supporters of the school who present themselves within the prescribed time, and shall enter in the poll book, at the head of separate columns, the names of the candidates proposed and seconded, and opposite to such columns shall write the names and residences of the supporters offering to vote, and shall, in the column in which is entered the name of a candidate voted for, set the figure "1" opposite the voter's name.

Granting poll and proceedings in case of a poll.

(6) Where a poll is demanded upon a school question by any two supporters the name of each supporter shall be similarly placed opposite separate columns marked "for" or "against."

Entries in poll-book.

(7) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration:

When voter is objected to.

I, A.B., declare

Declaration by voter.

- (a) That I am an assessed householder or freeholder in School Section No. —;
- (b) That I am of the full age of twenty-one years;
- (c) That I am a supporter of the Roman Catholic Separate School in said School Section No —;
- (d) That as such supporter I have the right to vote at this meeting,

whereupon the person making such declaration shall be entitled to vote.

(8) The poll shall not close before noon, but shall close at any time thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than four o'clock in the afternoon.

When poll shall close.

(9) When the meeting is held at seven o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at ten o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded.

Polling at afternoon meetings.

(10) A correct copy of the minutes of every meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the Department of Education.

Transmitting minutes to Department.

Meetings to be called in default of first or annual meetings.

(11) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time any two supporters of the school may call a meeting by giving six days' notice posted up in at least three of the most public places in the locality in which the school is situate; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R.S.O. 1914, c. 270, s. 27.

Organization of Board.

Organization and quorum.

27. A majority of the trustees shall form a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer or of a secretary-treasurer. R.S.O. 1914, c. 270, s. 28.

Regularity.

28. No act or proceeding shall be valid which is not adopted at a regular or special meeting of the board of which notice has been given as required by this Act and at which at least two trustees are present. R.S.O. 1914, c. 270, s. 29.

Duties of Secretary.

Duties of secretary.

29. It shall be the duty of the secretary to

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book provided by the trustees, and see that the minutes, when confirmed, are signed by the chairman or presiding trustee;
- (b) call, at the request in writing of two trustees, a special meeting of the board;
- (c) give notice of all meetings to each of the trustees by notifying him personally or in writing, or by sending a written notice to his residence. R.S.O. 1914, c. 270, s. 30.

Duties of Treasurer.

Duties of Treasurer.

30. It shall be the duty of the treasurer to

- (a) receive all school money collected from the supporters of the school and account for the same;
- (b) disburse all such money in the manner directed by the board;
- (c) produce all papers and money belonging to the corporation whenever called upon to do so by the board, the auditors or other competent authority, and afford to the auditors all the information in his power as to the receipt and expenditure of school money. R.S.O. 1914, c. 270, s. 31.

Appointment of Auditor by Minister.

31. Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1914, c. 270, s. 32.

Appointment
of auditor by
Minister.

Union Boards.

32.—(1) The majority of the supporters of each of the separate schools situate in two or more public school sections, whether in the same or in adjoining municipalities, at a public meeting duly called by the board of each separate school may form a union separate school of which union the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities and to the Minister of Education, and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees to be elected by the supporters of the union separate school as provided by section 26.

What unions
may be
formed.

(2) The trustees shall be a body corporate under the name of "The Board of Trustees of the Roman Catholic Union Separate Schools for the United Sections numbers in the .'' R.S.O. 1914, c. 270, s. 33.

Corporate
name.

School Sites.

33.—(1) The board shall have power to select a site for a new school-house or to agree upon a change of site for an existing school-house, and shall forthwith call a special meeting of the supporters of the school to consider the site selected; and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting.

Selection
and change
of school
site.

(2) If a majority of the supporters present at such special meeting differ as to the suitability of the site selected each party shall then and there appoint an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf, shall be the third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

Arbitration
when trustees
and
ratepayers
differ as to
site.

Award.

(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award,

Reconsidera-
tion of
award.

or the previous one if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof. R.S.O. 1914, c. 270, s. 34.

Separation.

Establish-
ment of
separate
school in a
portion of
rural
section.

34.—(1) Where a separate school has been established in a public school section which includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in such township or portion of a township petition the board of such separate school to notify the inspector of separate schools that the separate school supporters in such township or portion of a township are desirous of establishing a separate school therein, the inspector may signify in writing to the board his approval of the establishment of such separate school; and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and such school may be established and trustees may be elected in the manner provided by this Part.

Arbitration.

(2) The inspector and two other persons, one of whom shall be chosen by the separate school board of such urban municipality and the other by the board of the separate school so established in such township or portion of a township, shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of such urban municipality and the board of such rural separate school respectively, and shall adjust all matters consequent upon such separation, and the award of such arbitrators shall be final and binding.

Property
liable for
debentures.

(3) Nothing in this section shall relieve any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of such township separate school. R.S.O. 1914, c. 270, s. 35.

URBAN BOARDS.

Trustees and Tenure of Office.

Trustees in
city, etc.,
divided into
wards.

35.—(1) For every ward into which a city or town is divided there shall be two trustees each of whom, after the first election, shall continue in office for two years.

Retirement
by rotation.

(2) One of the trustees in each ward chosen at the first election, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election and the other shall continue in office one year longer. R.S.O. 1914, c. 270, s. 36.

(3) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

Number of trustees may be limited to six by resolution.

(4) When such resolution has been adopted the election shall thereafter be by vote of the separate school ratepayers of the whole municipality.

Effect of adoption of resolution.

(5) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the separate school ratepayers of the whole municipality to fill the place of the same number retiring by rotation. 1922, c. 99, s. 2.

Retirement.

36.—(1) In every village there shall be six trustees, each of whom, after the first election, shall continue in office for two years.

Trustees in village.

(2) Three of the trustees chosen at the first election to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election and the other three shall continue in office one year longer. R.S.O. 1914, c. 270, s. 37.

Retirement by rotation.

37. A trustee shall continue in office until his successor has been elected. R.S.O. 1914, c. 270, s. 38.

Term of office.

Election of Trustees.

38.—(1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually, or if that day is a holiday on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days' notice of the meeting.

Nominations.

(2) The board shall by resolution name the returning officers to preside at the meetings for the nomination of candidates, and in case of the absence of any such officer a chairman chosen by the meeting shall preside.

Returning officer.

(3) If at the meeting only the number of candidates necessary to fill the vacant offices is proposed and seconded the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall notify

Proceedings at nominations.

the secretary of the board; but if two or more candidates are proposed and seconded for any one office, and a poll in respect of such office is demanded by any candidate or school supporter the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when polls shall be opened at such places and in each ward, where wards exist, as shall be determined by resolution of the board.

Hours of
polling.

(4) The polls shall be opened at ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, and a poll may close at any time after eleven o'clock in the forenoon when a full hour has elapsed without any vote having been polled.

Place for
nomination
and election.

(5) The board shall, before the second Wednesday in December in each year, by resolution, fix the places for the nomination meetings and for holding the election in case of a poll, and name the returning officers who shall preside at the respective polling places, and forthwith give public notice thereof.

Duty of re-
turning officer
after close of
election.

(6) The returning officer or chairman shall, on the day after the close of the election, return the poll book to the secretary of the board with his solemn declaration thereto annexed that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of
secretary.

(7) The secretary shall add up the number of votes for each candidate for any office as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes.

Casting
vote.

(8) If two or more candidates have an equal number of votes at the first meeting of the board held after the election the member present who is assessed highest as a supporter of the school on the last revised assessment roll shall give a vote for one or more of such candidates so as to decide the election.

Voting to
be open.

(9) The voting for the election of trustees and for all other urban school purposes shall be by open vote, except as otherwise provided by section 39.

Furnishing
voters' list
in cities and
towns
divided into
wards.

(10) In a city or town divided into wards the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward annexing thereto a list of the names of all supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income rated upon the then last revised assessment roll and not being already upon the voters' list.

(11) In towns not divided into wards and in villages the clerk of the municipality shall furnish to the board within three days after request in writing the voters' list for each polling subdivision in such town or village, as provided by the next preceding subsection.

Furnishing voters' list in towns not divided into wards, and in villages.

(12) The board shall provide every polling place with such lists and with a poll book.

For each polling place.

(13) At every election at which a poll is demanded the returning officer or chairman or the poll clerk shall enter in the poll book at the head of separate columns the names of the candidates proposed and seconded at the nomination, and shall opposite to such columns write the names and residences of the school supporters offering to vote at the election, and shall in each column in which is entered the name of the candidate voted for set the figure "1" opposite the voter's name, and where a poll is demanded upon any school question the name of each voter shall be similarly placed opposite separate columns headed "for" or "against."

Entries in poll book.

(14) If an objection is taken to the right of any person to vote the returning officer or chairman shall require the person whose right to vote is objected to to take the declaration mentioned in subsection 7 of section 26.

Declaration by voters.

(15) Where a school supporter resides without the municipality in which the school is situate he shall be entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence. R.S.O. 1914, c. 270, s. 39.

Where non-resident is to vote.

39.—(1) The board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the election of members of the board to be by ballot and to be held on the days on which the annual municipal elections are held.

Adoption of ballot.

(2) The board may in like manner discontinue the use of the ballot, and thereafter elections shall be conducted as provided by section 38.

Discontinuance.

(3) Where the board requires the voting to be by ballot and elections are so held no change shall be made in the mode of voting for a period of three years, and if the mode of voting by ballot is discontinued the provisions of section 38 shall apply for a period of three years at least after such discontinuance. R.S.O. 1914, c. 270, s. 40.

Ballot not to be discontinued or resumed for three years after the change.

40. Where the voting is to be by ballot the provisions of *The Municipal Act* for and relating to holding the annual municipal elections, including those as to recount, secrecy of proceedings, offences and penalties, shall apply *mutatis mutandis*, except that

Municipal Act to apply. Rev. Stat. c. 233.

Form of
oath.

(a) the oath to be taken by a voter shall be:

You swear that you are the person named (or intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a Roman Catholic Separate School supporter;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God;

Casting
vote.

(b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election;

Duties of
secretary.

(c) the duties to be performed by the clerk shall be performed by the secretary; and

(d) the word "secretary" shall be substituted for the words "clerk" or "clerk of the municipality" wherever they occur. R.S.O. 1914, c. 270, s. 41.

Irregularities not to void Elections.

No election
to be invalid
for want of
compliance
with prin-
ciples of Act
where result
not affected.

41. No election shall be invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1914, c. 270, s. 42.

Controverted Elections.

Investigation
of complaints
by judge.

42.—(1) A judge of the county or district court, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within twenty days after such

election, shall receive and investigate such complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same.

(2) The judge may by order cause the assessment rolls, collector's rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he may deem expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected. Powers of judge.

(3) The judge may order a person found by him not to have been duly elected to be removed; and if the judge determines that any other person was duly elected he may order him to be admitted; and if he determines that no other person was duly elected instead of the person removed he shall order a new election to be held and shall report such decision to the secretary of the board. Order of judge.

(4) The provisions of *The Municipal Act* as to bribery and undue influence shall apply, and, where the election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. Bribery and undue influence. Rev. Stat. c. 233. R.S.O. 1914, c. 270, s. 43.

MEETINGS OF THE BOARD.

43.—(1) At the first meeting in each year the secretary shall preside or, if there is no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member. Chairman at first meeting.

(2) In case of an equality of votes at the election of chairman the member present who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. Casting vote.

(3) Subsequent meetings of the board shall be held at such times and places as may from time to time be fixed by resolution of the board. Subsequent meetings.

(4) Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting. Special meetings.

(5) The chairman shall preside or, in his absence, any member appointed to act as chairman by the majority of those present, and the chairman or member so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Presiding officer. Equality of votes.

Quorum.

(6) A majority of the members of the board shall constitute a quorum, but for the purposes of subsection 8 of section 38 a majority of the trustees remaining in office shall constitute a quorum. R.S.O. 1914, c. 270, s. 44.

DUTIES AND POWERS OF TRUSTEES.

Duties of board.

44. It shall be the duty of every board and it shall have power to

Appointment of officers.

(a) appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the school fees or rate bills;

(i) the collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, be subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;

Appointment of auditors.

(b) appoint annually on or before the 1st day of December an auditor or auditors;

Accounts.

(c) lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and afford the auditors all the information in its power as to the receipt and expenditure of school money;

To provide accommodation and teachers.

(d) provide adequate accommodation and legally qualified teachers, according to the provisions of this Act and the regulations, for all children between the ages of five and twenty-one years of the supporters of the schools under the control of the board according to the annual enumeration of the assessors for the next preceding year;

To provide and maintain school premises.

(e) acquire or rent school sites and premises, and build, repair, furnish and keep in order the school houses, furniture, fences and all other school property, and keep the wells, closets and premises in proper sanitary condition;

Collection of rates.

(f) where the board does not appoint a collector, apply to the municipal council, on or before the 1st day of August in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums;

Notice of names and addresses.

(g) give notice in writing, before the 15th day of January in each year, to the Department of Education of

the names and post office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein;

- (h) give orders on the treasurer of the board for all money to be expended for school purposes; Orders for money expended.
- (i) exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person; and give notice of such exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the 1st day of August; Exemptions and notice thereof.
- (j) dismiss from a school any pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to other pupils, and, where practicable, remove such pupil to an industrial school; Dismissal of refractory pupils.
- (k) take possession and have the custody and safe keeping of all school property acquired or given for school purposes; and acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received; and dispose by sale or otherwise of any school site or school property not required in consequence of a change of school site or other cause, and convey the same and apply the proceeds thereof to school purposes or as provided by this Act; Possession and custody of property.
- (l) prepare and transmit annually, before the 15th day of January, to the Minister of Education, in the prescribed form, a report signed by the chairman containing all information required by the regulations; Annual report.
- (m) exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters as to which other provision is made by this Act; Other powers and duties
- (n) see that every school under its charge is conducted according to this Act and the regulations, and provide school registers and a visitors' book in the prescribed form; Supervision.
- (o) at its discretion pay the travelling expenses of any member of the board or of any teacher in its employment incurred in attending meetings of the Travelling expenses attending teachers' association.

Ontario Educational Association or other like association of teachers in Ontario ;

Determine
number
and kind of
schools, etc.

In the case of an urban board,

- (p) determine the number, kind, grade and description of schools to be established and maintained, the teachers to be employed, the terms on which they are to be employed, the amount of their remuneration and the duties which they are to perform ;

To appoint
a committee
for each
school.

- (q) appoint from its members annually, or oftener if deemed expedient, and under such regulations as may be deemed proper, a committee of not more than three for the special charge, oversight and management of each school within the city, town or village, and see that all the schools under its charge are conducted according to the regulations ;

Books and
school
supplies.

- (r) collect, at its discretion, from the parents or guardians of children attending any school under its charge a sum not exceeding twenty cents per month per pupil to defray the cost of textbooks, stationery and other contingencies, and see that all the pupils are duly supplied with a uniform series of textbooks ;

Cadet corps
and athletics.

- (s) expend such sums as it may deem expedient for establishing and maintaining cadet corps and for promoting and encouraging gymnastic or other athletic exercises not exceeding \$200 per annum where the annual registered attendance of pupils does not exceed 3,000, and \$50 additional for each additional 1,000, and provide uniforms for classes in military drill ;

In the case of a rural board,

Time and
place of
meetings.

- (t) appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for

- (i) filling any vacancy in the board,
- (ii) the selection of a new school site,
- (iii) the appointment of a school auditor, or
- (iv) any other school purpose, and cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting ;

Payment of
salaries.

- (u) arrange for the payment of teachers' salaries quarterly and, if necessary, borrow on its promissory note, under the seal of the corporation, at interest

not exceeding eight per centum per annum, the money required for that purpose until the taxes are collected;

- (v) cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors; Annual report.
- (w) ascertain and report to the Minister of Education, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf and dumb or blind; R.S.O. 1914, c. 270, s. 45. Report on blind, deaf and dumb.
- (x) If deemed expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and (where a school nurse or medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay. 1920, c. 101, s. 1. Providing attendance for minor surgical operations.

VACANCY IN OFFICE OF TRUSTEE.

45.—(1) If a vacancy in the office of trustee occurs from any cause the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office. Vacancy in office of trustees.

(2) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and, in the case of an urban board, the board shall give at least six days' notice of the meeting for the nomination of candidates, and, if a poll is demanded, the election shall be held one week from the day of the nomination. R.S.O. 1914, c. 270, s. 46. Proceedings at new election.

TEACHERS.

46. Every agreement between a board and teacher, to be valid and binding, shall be in writing signed by the parties thereto, and sealed with the corporate seal of the board, and may include a stipulation to provide the teacher with board and lodging. R.S.O. 1914, c. 270, s. 47. Valid agreements with teacher.

Duties of
teacher.

47. It shall be the duty of every teacher to

Instruction.

(a) teach diligently and faithfully all the branches required to be taught in the school according to the terms of his agreement with the board and according to the provisions of this Act and the regulations;

Keeping
registers.

(b) keep in the prescribed form the general, entrance, and daily class or other registers of the school, and record therein the admission, promotion, suspension or removal of the pupils;

Order and
discipline.

(c) maintain proper order and discipline in his schools according to the regulations;

Visitors'
book.

(d) keep a visitors' book, which the board shall provide, and enter therein the visits made to his school, and request every visitor to enter therein any remarks suggested by his visit;

Give access
to register
and visitors'
book.

(e) afford the trustees and visitors access at all times when desired by them to the registers and visitors' book;

Deliver up
register and
key.

(f) deliver up the school register, visitors' book, school-house key or other school property in his possession on the demand or order of the board;

(i) In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the board;

Examina-
tions.

(g) hold during each term a public examination of his pupils, of which he shall give due notice to the trustees, to any school visitors whose place of residence is adjacent to the school house, and through the pupils to their parents or guardians;

To furnish
information
to the Min-
ister and
inspector.

(h) furnish to the Minister of Education, or to the separate school inspector, from the trustees' report or otherwise, any information which it is in his power to give respecting anything connected with the operations of his school or in any wise affecting its interest or character;

To prepare
reports.

(i) prepare so far as the school registers supply the information such reports of the board as are required by the regulations. R.S.O. 1914, c. 270, s. 48.

Change of
text books.

48. An authorized text book in actual use may be changed by the teacher for any other authorized text book on the same subject with the written approval of the board and subject to the regulations. R.S.O. 1914, c. 270, s. 49.

49. Subject to the provisions of the Act passed in the seventh year of the reign of His late Majesty King Edward the Seventh, chaptered 52, and the amendments thereto, teachers shall be subject to the same examinations and receive their certificates of qualification in the same manner as public school teachers. R.S.O. 1914, c. 270, s. 50.

Certificates to teachers of separate schools.

50. Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. R.S.O. 1914, c. 270, s. 51.

Proportion of salary to which teacher is entitled.

51. Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may, in any case of sickness, be allowed and extended at the pleasure of the board without a certificate. R.S.O. 1914, c. 270, s. 52.

Case of sickness or dental treatment.

52. If at the expiration of a teacher's engagement his salary has not been paid in full the salary shall continue to run at the rate mentioned in the agreement until paid if an action to recover it is commenced within three months after the salary is due and payable. R.S.O. 1914, c. 270, s. 53.

Protection of teachers in regard to salary.

53.—(1) All matters of difference between a board and a teacher in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, as provided by section 118 of *The Public Schools Act*. R.S.O. 1914, c. 270, s. 54 (1); 1917, c. 27, s. 51.

Provision in case of difference between teacher and trustees.

Rev. Stat. c. 323.

(2) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was willing and offered to pay to the teacher any sum not so in dispute, the judge may relieve the board from the liability imposed by section 52 in whole or in part. R.S.O. 1914, c. 270, s. 54 (2).

When judge may relieve board from extra liability.

ASSESSMENTS, BORROWING POWERS AND GRANTS.

54.—(1) Every person paying rates, whether as owner or tenant, who by himself or his agent, on or before the 1st day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and a supporter of a separate school situate in the municipality or in a municipality contiguous thereto shall be exempt from the payment

Exemption of supporters of separate schools from payment of public school rates on giving certain notice.

of all rates imposed for the support of public schools and of public school libraries, or for the purchase of land or the erection of buildings for public school purposes within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of a separate school.

No renewal required.

(2) The notice shall not be required to be renewed annually.

Time for giving notice by separate school supporter becoming resident in municipality.

(3) Where an owner or tenant is not, on or before the 1st day of March in any year, a resident of the municipality or rated upon the assessment roll thereof, but subsequently becomes so resident or liable to be so rated before the time for appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the time for appealing, and a notice so given shall have the same effect as if given on or before the 1st day of March of the year in which it is given.

Certificate of notice.

(4) Every clerk of a municipality, upon receiving such notice, shall deliver a certificate to the person giving the notice to the effect that the same has been given and showing the date thereof.

Penalty for wilful false statements in notice.

(5) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from the rates, and in addition shall incur a penalty of \$40.

As to rates imposed before separate school established.

(6) Nothing in this section shall exempt any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a school house or school houses, imposed before the establishment of the separate school. R.S.O. 1914, c. 270, s. 55.

Residence of supporters of separate schools.

55. Subject to the other provisions of this Part no person shall be deemed a supporter of a separate school unless he resides within three miles in a direct line of the site of the school house. R.S.O. 1914, c. 270, s. 56 .

Where separate school supporter resides within three miles of two or more schools.

56.—(1) A supporter of a separate school whose residence is within three miles of two or more separate schools shall be *ipso facto* a supporter of the school nearest by road to his place of residence; but nothing herein shall affect the liabilities or obligations of a separate school supporter for debts incurred before the 7th day of April, 1896, by the board of the school of which he was a supporter.

Saving as to debenture debt.

(2) A supporter of a separate school having a debenture debt shall not be bound to become a supporter of another school while any part of such debt remains unpaid. R.S.O. 1914, c. 270, s. 57.

57. When a supporter of an urban school resides without the municipality in which the school is situate he shall be entitled to vote in the ward or polling subdivision in which the school house nearest to his place of residence is situate if within the distance of three miles in a direct line. R.S.O. 1914, c. 270, s. 58.

Where person residing out of municipality to vote.

58.—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he shall be exempt from the payment of separate school taxes or rates in the municipality in which he resides, but shall be liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

Liability of non-resident supporter.

(2) The board of the school of which he is a supporter shall on or before the 1st day of August in each year notify the clerk of the municipality in which such supporter resides that he is a supporter of such school, and of the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1914, c. 270, s. 59.

How enforceable.

59. Any person who, if resident in a municipality, would be entitled to be a supporter of a separate school therein or in an adjoining municipality may, on giving the notice provided for by *The Assessment Act* that he is the owner of unoccupied land situate in either municipality, require that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school shall be assessed for the purposes of the separate school, and the assessor shall thereupon enter such person in the assessment roll as a separate school supporter only. R.S.O. 1914, c. 270, s. 60.

Right of non-residents to be assessed for separate school.

Rev. Stat. c. 238.

60.—(1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing to the clerk of the municipality before the second Wednesday in January in any year, otherwise he shall be deemed to be a supporter of the school.

Notice of withdrawal of support.

(2) A person who has withdrawn his support from a Roman Catholic separate school shall not be exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support. R.S.O. 1914, c. 270, s. 61.

Exception.

Index book
of supporters
of separate
schools to
be kept by
clerk.

61.—(1) The clerk of every municipality shall keep entered in an index book, Form A, and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 54, 60, 64 and 65, or by former Acts respecting separate schools.

Entries.

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 60, or by any such other Act, with the date of such withdrawal, or any disallowance of the notice by the court of revision or by a judge of the county or district court, with the date of such disallowance.

Inspection.

(3) The index book shall be open to inspection by any ratepayer.

Filings.

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received.

Assessor to
be guided
by index
book.

(5) The assessor shall be guided by the entries in the index book in ascertaining who have given the prescribed notices. R.S.O. 1914, c. 270, s. 62.

Correction
of mistakes
in assessing
separate
school sup-
porters.

62.—(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct such error by directing the school taxes of such ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision or of a judge on appeal.

Liability.

(2) In case of such action by a council the ratepayer shall be liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1914, c. 270, s. 63.

Distinguish-
ing the school
rates.

63.—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the heading of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes.

Idem.

(2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. R.S.O. 1914, c. 270, s. 64.

64.—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall alter or affect this provision.

Case of owner and occupant.

(2) Where, as between the owner and tenant or occupant the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same; the owner is compelled to pay such school rate he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he shall only be liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1914, c. 270, s. 65.

When owner may exercise option.

65.—(1) A corporation by notice, Form B, to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which such corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of such corporation made under *The Assessment Act*, to be entered, rated and assessed for the purposes of such separate school.

Right of a corporation to support separate schools.

Rev. Stat. c. 238.

(2) The assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

Duty of assessor.

(3) Unless all the stock or shares are held by Roman Catholics the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

How proportions settled.

(4) A notice given in pursuance of a resolution of the directors shall be sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors.

Effect of notice.

Filing
notice.

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

Search for
notices.

(6) The assessor shall in each year, before the return of the assessment roll, search for and examine all notices which may be so on file and shall follow and conform thereto and to the provisions of this Act. R.S.O. 1914, c. 270, s. 66.

Powers of
trustees.

66.—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

Land on
which there
are rates
uncollected.

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

Return.

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon.

Collection
of rates.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

Deficiency.

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1914, c. 270, s. 67.

Trustees
may copy
assessment
roll of muni-
cipality.

67. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1914, c. 270, s. 68.

Clerk to give
trustees
annual state-
ment of sup-
porters of
separate
schools.

68. The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 54, with the amount for which each person has been rated upon the assessment roll. R.S.O. 1914, c. 270, s. 69.

69.—(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of August in any year, shall, through their collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

Collection of separate school rates by the municipality.

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation or any of its officers shall be borne by the corporation, and the rates or taxes, as and when collected, shall within a reasonable time thereafter, and not later than the 14th day of December in each year, be paid over to the board without any deduction whatever. R.S.O. 1914, c. 270, s. 70.

Expenses of collection.

70. In a municipality in which the assessment is made under a by-law passed under section 59 of *The Assessment Act* the notices required to be given under subsection 1 of section 54 shall be given on or before the 15th day of July, and the notice required to be given under subsection 1 of section 60 shall be given on or before the fourth Wednesday in May, and the request referred to in section 69 shall, if given, be given at the time mentioned therein or prior thereto if required by the council; and in subsection 3 of section 54 the words "1st day of March," in the second and ninth lines thereof, shall be read "15th day of July." R.S.O. 1914, c. 270, s. 71.

Dates for giving certain notices where taxes collected on assessment of preceding year.

Rev. Stat. c. 238.

71.—(1) A separate school board and the council of a municipality, three-fifths of whose members are not separate school supporters, may enter into an agreement for a term of years that for each year of the term and at such times and in such sums as may be agreed upon, in lieu of and as being the amount to be levied and collected in such year for separate school purposes, there shall be paid by the corporation of the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes.

Agreements between municipality and separate school trustees as to payment in lieu of separate school rate.

(2) If in and for any year the rate of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes the agreement shall not be in force for or apply to such year.

Exception.

(3) The agreement may be determined by either of the parties thereto at the end of any calendar year on giving six months' previous notice to the other party. R.S.O. 1914, c. 270, s. 72.

Termination.

72. The separate school board of a municipality or in a school section or union school section shall have and may exercise the same rights, powers and privileges with respect

Right to establish and maintain continuation schools.

to the establishment and maintenance of continuation schools and shall be subject to the same duties and obligations with respect to such schools as the public school board of the municipality, section or union school section as the case may be. R.S.O. 1914, c. 270, s. 73.

County
rate in aid
of schools.

73.—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

County to
raise equi-
valent to
legislative
grant for
fifth classes.

(2) The council of every county shall levy and collect by an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

Apportion-
ment of school
money in
united
counties.

(3) The council of two or more counties united for municipal purposes may apportion the amount to be levied under this section so that each county forming the union shall be liable only for sums payable in respect of public and separate schools within such county.

Grant for
maintenance
of fifth forms

(4) Where a board establishes and maintains a fifth form in any one of its schools and is entitled under the regulations to share in respect of it in the legislative grant for fifth forms the council of the county in which the school is situate shall pay towards the maintenance of the fifth form a sum at least equal to the share of such legislative grant which the board receives in respect of it, and may contribute for its maintenance such further sum as it may deem expedient.

How appor-
tioned be-
tween coun-
ties.

(5) In the case of a separate school having in attendance children from two or more counties the council of each county shall pay a proportion of the whole sum required to be paid under subsection 4 which bears the same ratio to the whole sum as the number of children resident in it attending the school, as shown by the school register, bears to the whole number of children in attendance. R.S.O. 1914, c. 270, s. 74.

Sinking funds
for separate
school debentures.

74. Notwithstanding anything contained in any by-law or resolution heretofore or hereafter passed by any board of separate school trustees or in any debenture issued there-

under, the board may at any time by by-law provide that all moneys theretofore or thereafter collected on account of sinking fund for payment of any such debenture shall,—

(a) be paid over to the Treasurer of Ontario to be dealt with as provided in section 319 of *The Municipal Act*, or Rev. Stat. c. 233.

(b) be invested in securities of the Province of Ontario, and for that purpose the board may sell or dispose of any securities in which such sinking fund moneys shall have theretofore been invested or withdraw such moneys from any loan company, trust company or bank in which they may be deposited. 1927, c. 88, s. 15.

75.—(1) The board of a separate school may pass by-laws for borrowing money for school purposes and for making mortgages and other instruments for the security and payment thereof, or of money payable or to be paid for school sites, school buildings or additions thereto, or the repairs thereof, upon the school-house property and premises or any other real or personal property vested in the board, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was effected on the security of the property or rates shall, while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the money so secured. Borrowing powers of trustees of separate schools.

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money which it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in such year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected. Terms of payment.

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures; and the debentures shall be a charge on the same property and the rates as in the case of mortgages thereof made by the board. Debentures.

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act. Maturity. Rev. Stat. c. 233.

(5) Where the debt is not payable by instalments the board shall levy in each year during its currency in addition Sinking fund.

to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by *The Municipal Act* as to the investment of sinking funds. R.S.O. 1914, c. 270, s. 75 (1-5).

Publication
of by-law.

(6) Every such by-law, before being acted upon, shall be published at least for three successive weeks in some public newspaper published weekly or oftener in the city, town or county in which the separate school is situate; and if no application to quash the by-law is made for three months after the publication thereof the by-law shall be valid, notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same. R.S.O. 1914, c. 270, s. 75 (6); 1914, c. 2, sched. (37).

Amounts.

(7) The debentures issued under the by-law may be for such amounts as the board may deem expedient. R.S.O. 1914, c. 270, s. 75 (7).

Right of
separate
schools
to a share
of municip-
al grant.

76.—(1) Every separate school shall be entitled to share in all grants, investments and allotments for public school purposes now or hereafter made by any municipal authority according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township.

Apportion-
ment.

(2) Where the grant is made by a county council the same shall be apportioned in like manner as the legislative grant.

But not to
any share
of local
assessment
for public
schools.

(3) A separate school shall not be entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. R.S.O. 1914, c. 270, s. 76.

MISCELLANEOUS.

Visitors of
separate
schools.

77. The Minister of Education, the judges of all courts, members of the assembly, heads of the municipal corporations in their respective localities, the inspectors of public schools and clergymen of the Roman Catholic Church shall be visitors of separate schools. R.S.O. 1914, c. 270, s. 77.

Inspection
of schools.

78. The schools with their registers shall be subject to such inspection as may be directed by the Minister of Education and shall be subject also to the regulations. R.S.O. 1914, c. 270, s. 78.

79. The Minister of Education may, subject to the regulations, constitute a separate school in any county or district a model school for the training of teachers for separate schools. R.S.O. 1914, c. 270, s. 79.

80. In the event of a disagreement between a board and the inspector of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned or of such existing school, the matter in difference shall be determined by the Minister of Education, subject to an appeal to the Lieutenant-Governor in Council, whose decision shall be final. R.S.O. 1914, c. 270, s. 80.

SUPERANNUATION.

81. Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers may continue to contribute to such fund, in such manner as may be prescribed by the regulations, at least \$4 annually, but no payment of arrears which accrued before the 1st day of January, 1885, shall be allowed. R.S.O. 1914, c. 270, s. 81.

82. On the death of any such teacher or inspector the wife, husband, or legal representative of such teacher or inspector shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per centum per annum. R.S.O. 1914, c. 270, s. 82.

83.—(1) Every such teacher and inspector who while engaged in his profession has contributed to the fund for superannuated teachers as provided by this Act shall on reaching the age of sixty years, if he retires from the profession, receive an allowance at the rate of \$6 per annum for every year of service in Ontario upon furnishing evidence of good moral character, age and length of service.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age, if he has served for a period of thirty years. R.S.O. 1914, c. 270, s. 83.

84. Every such teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character and disability. R.S.O. 1914, c. 270, s. 84.

Extra allowance to certain teachers.

85.—(1) Every superannuated teacher and inspector who holds a first or second class provincial certificate, or a first-class county board certificate, or who has been a principal of a high school or collegiate institute, shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute.

When allowance to cease.

(2) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place. R.S.O. 1914, c. 270, s. 85.

Teacher resuming profession.

86. If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector the payment of his allowance shall be suspended during the time he is so engaged; and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the regulations. R.S.O. 1914, c. 270, s. 86.

Again retiring.

Forfeiture of claim.

87. A teacher or inspector who having resumed his profession wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list. R.S.O. 1914, c. 270, s. 87.

Repayment to contributors.

88. A teacher or inspector who retires from the profession or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund. R.S.O. 1914, c. 270, s. 88.

Teachers not availing themselves of Act.

89. Where a teacher or inspector does not avail himself of the provisions of section 81 or of section 88, sections 82 to 87 shall apply so far as relates to all sums already paid by them into the superannuation fund. R.S.O. 1914, c. 270, s. 89.

Grant by board to superannuation fund.

90.—(1) Subject to the regulations the separate school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules.

Power of investment.

(2) A separate school board may invest any money received through legacy, gift or otherwise in its hands for the purposes of a superannuation fund and as to such money shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. R.S.O. 1914, c. 270, s. 90.

Rev. Stat. c. 150.

SCHOOL YEAR AND HOLIDAYS.

91.—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th of June. R.S.O. 1914, c. 270, s. 91 (1). Terms.

(2) Every day upon which a school is closed under the provisions of *The Public Health Act* or under the regulations of the Department of Education, every Saturday, every public holiday, the week following Easter Day and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday. R.S.O. 1914, c. 270, s. 91 (2); 1919, c. 73, s. 18. Holidays.
Rev. Stat.
c. 262.

(3) With the approval of the inspector the board of a rural school may substitute holidays in some other part of the year for part of the time herein allowed for Easter and Midsummer vacations to suit the convenience of pupils and teachers, but the number of holidays prescribed by subsections 1 and 2 shall be allowed in each year. R.S.O. 1914, c. 270, s. 91 (3). In rural
schools.

PENALTIES AND PROHIBITIONS.

92. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. R.S.O. 1914, c. 270, s. 92. Use of un-
authorized
books.

93. Any person who wilfully makes a false declaration of his right to vote at any school meeting or at an election of school trustees shall incur a penalty of not less than \$5 nor more than \$10. R.S.O. 1914, c. 270, s. 93. False declara-
tion as to right
to vote.

94. A trustee of a separate school shall not be eligible for appointment as separate school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. R.S.O. 1914, c. 270, s. 94. Disqualifica-
tion for cer-
tain offices.

95. If a trustee is convicted of any indictable offence, or becomes insane, or without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to reside within the municipality in case of an urban school, or within three miles of the school in the case of a rural school, he shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant. R.S.O. 1914, c. 270, s. 95. Seat vacated
by conviction
for crime, etc.

Seat vacated
by interest
in contract
with board.

96.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board; and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

When seat
may be
declared
vacant.

(2) On the complaint of two supporters of the school or of the remaining trustee or trustees the judge of the county or district court shall, on proof of the facts, declare the seat vacant, and the remaining trustee or trustees shall forthwith order a new election.

Exception.

(3) Nothing in this section shall prevent a trustee receiving payment for services as a collector or prevent the board from allowing the secretary or treasurer such compensation for his services as may be approved at the annual meeting of the supporters of the school and duly entered in the minutes.

Newspaper
proprietors
inserting
official
advertisements
not
disqualified.

(4) No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1914, c. 270, s. 96.

Penalty for
disturbing
a school or
school
meeting.

97. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a separate school by rude or indecent behaviour, or by making a noise either within the place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall for each offence incur a penalty not exceeding \$20. R.S.O. 1914, c. 270, s. 97.

Refusing to
serve.

98. A trustee who refuses to serve after being duly elected shall incur a penalty of \$5, and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. R.S.O. 1914, c. 270, s. 98.

Disqualified
person acting.

Penalty for
refusal to
perform
duties.

99. Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 270, s. 99.

100. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. R.S.O. 1914, c. 270, s. 100.

Penalty for failing to transmit minutes.

101. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school money, and any school money is forfeited or lost to the board in consequence of such refusal or neglect, every member of the board shall be personally liable for such money and the same may be recovered by the board or any supporter interested therein in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1914, c. 270, s. 101.

Liability for neglect to take security.

Exception.

102. A secretary or treasurer and a person having been a secretary or treasurer and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such secretary, treasurer, trustee or otherwise shall not wrongfully withhold, or neglect, or refuse to deliver up, or account for and pay over the same or any part thereof to the person, and in the manner directed by the board or by other competent authority. R.S.O. 1914, c. 270, s. 102.

Secretary, treasurer or trustee refusing to deliver up books and money.

103.—(1) Upon application to a judge of the county or district court by the board or by any two supporters of the school, supported by affidavit, showing such wrongful withholding or refusal the judge may summon such secretary, treasurer, trustee, or person to appear before him at a time and place appointed by him.

Summons for appearance.

(2) Any bailiff of a division court, upon being requested so to do, shall serve the summons or a true copy thereof on the person complained against personally or by leaving the same with a grown-up person at his residence.

Service of summons.

(3) At the time and place so appointed the judge, being satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint; and if he is of opinion that it is well founded the judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

Order to account, etc.

(4) In the event of non-compliance with the order the judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which

Effect of non-compliance with judge's order.

he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge upon compliance.

(5) Upon proof of his having so done the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge upon terms.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just.

Other remedy not affected.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against the person complained against or against any other person. R.S.O. 1914, c. 270, s. 103.

Penalty on trustees refusing information, etc., to auditors.

104. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in its or his power which may be required of it or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 270, s. 104.

Penalty for delaying yearly report.

105. If a board neglects to transmit its annual report to the Minister in accordance with clause 1 of section 44 each of them shall for every week during which the default continues and until such report is transmitted incur a penalty of \$5. R.S.O. 1914, c. 270, s. 105.

Penalty for false school reports and registers.

106. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall for every offence incur a penalty not exceeding \$20. R.S.O. 1914, c. 270, s. 106.

Personal responsibility for money lost.

107.—(1) The trustees of every separate school shall be personally responsible for the amount of any school money forfeited by or lost to the board in consequence of their neglect of duty.

Collection and application.

(2) The amount so forfeited or lost shall when collected be applied in the manner provided for by this Act. R.S.O. 1914, c. 270, s. 107.

Recovery and application of penalties. Rev. Stat. c. 121.

108. Except as otherwise provided the penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and shall be applied to

such separate school purposes as the Minister may direct.
R.S.O. 1914, c. 270, s. 108.

FORM A.

FORM OF INDEX BOOK.

(Section 61.)

Names.	Notices claiming exemption When received.	Remarks.
Allen, John	3rd February, 19 .	Notice of withdrawal received 1st January, 19 .
Ardagh, Joseph.....	3rd February, 19 .	Disallowed by Court of Revision, 1st June, 19 .
Ashbridge, Robert..	3rd February, 19 .	

R.S.O. 1914, c. 270, Form A.

FORM B.

(Section 65.)

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX.

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of the land and business or other assessments.

Given on behalf of the said company this (*here insert date*).

R.S., Secretary of the company.

R.S.O. 1914, c. 270, Form B.

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CHAPTER 53.

The School Law Amendment Act, 1928.

Assented to 3rd April, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 41 of *The Public Schools Act* is repealed. Rev. Stat. c. 323, s. 41, subs. 4, repealed.

2. Subsection 4 of section 15 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat. c. 323, s. 15, subs. 4, repealed.

(4) The election of school trustees for the township school area shall be by ballot and shall be held for the year following the year in which the by-law takes effect and in each year thereafter as nearly as may be in the same manner as an election of members of a municipal council and the clerk of the township shall be the returning officer at each election, and except as herein otherwise provided all the provisions of this Act applicable to the election of trustees by ballot shall apply as nearly as may be to the election of school trustees under this section. Township school area, election of trustees.

(4a) Of the trustees elected at the first election the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year. Term of office.

(4b) After the first election an election shall be held in each year to fill the places of trustees whose terms of office have expired and the trustees elected shall hold office for two years. Subsequent elections.

(4c) In case at the first election of trustees two or more trustees receive an equal number of votes the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board. Equality of votes at first election.

Rev. Stat.
c. 325, s. 7,
subs. 2, cl. f,
repealed.

3. The clause lettered *f* in subsection 2 of section 7 of *The Continuation Schools Act* is repealed.

Rev. Stat.
c. 326, s. 6,
subs. 4,
repealed.

4. Subsection 4 of section 6 of *The High Schools Act* is repealed and the following substituted therefor:

Trustees of
high school
district.

(4) The board of trustees shall be composed of six members who shall be appointed by the council of the county.

Term of
office.

(4a) Two of the trustees so appointed shall be appointed in the first instance for three years, two for two years, and two for one year, and thereafter two trustees shall be appointed in each year to hold office for three years in place of those whose term has expired.

Rev. Stat.
c. 326,
amended.

5. *The High Schools Act* is amended by adding thereto the following section:

Consultative
committee.

39a.—(1) The council of any county in which the by-law mentioned in subsection 1 of section 34 is in force may establish a consultative committee which shall consist of the public school inspector or one of the inspectors where there are more than one for the county, an officer appointed by the Department of Education and three members to be appointed by the council.

Functions of
committee.

(2) The council may submit to the committee, and direct it to report upon petitions for the setting up of new high school districts or the modification or alteration of the boundaries of existing districts, and may direct the committee to obtain information and make recommendations regarding any question affecting the facilities for education in the continuation schools and high schools in the county and the liability of the county for the support of such schools and the cost to the county of the education of pupils in such schools.

Department
may employ
committee.

(3) The Department of Education may direct the committee to obtain information upon any question affecting applications for the approval of continuation schools or high schools or of sites and buildings for such schools.

Statements
from local
school
boards.

(4) Continuation school boards, high school boards and boards of education having control of schools within the county shall, upon application, furnish to the committee detailed statements of the names, residences and attendance of all resident, non-resident and county pupils and of all receipts and expenditures together with any further information which

the committee may require concerning matters which in any way affect the liability of the county or the cost of education of pupils.

- (5) The reports of the committee and the recommendations made by it shall be used for the purpose of obtaining information only, and the recommendations of the committee shall not be binding upon the Department, the county council or the boards in control of continuation schools or high schools. Recommendations not to bind Department or council.

6.—(1) The clause lettered *b* in subsection 1 of section 50 of *The High Schools Act* is amended by inserting after the word “examiners” in the seventh line the words “the Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate.” Rev. Stat., c. 326, s. 50, subs. 1, cl. b, amended.

(2) The clause lettered *a* in subsection 1 of section 51 of *The High Schools Act* is amended by inserting after the word “board” in the sixth line the words “The Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate.” Rev. Stat., c. 326, s. 51, subs. 1, cl. a, amended.

7. Section 22 of *The Boards of Education Act* is amended by striking out the words “or who is appointed by the county council” in the second line and inserting in lieu thereof the words “or a member appointed by the county council who is not a resident of the high school district” and by adding at the end thereof the words “in such district,” so that the section will now read as follows: Rev. Stat., c. 327, s. 22, amended.

22. A member of a board who is a separate school supporter, or a member appointed by the county council who is not a resident of the high school district, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools in such district. County representatives on boards of education.

8. Subsection 1 of section 53 of *The Separate Schools Act* is amended by striking out the words “as provided by section 118 of *The Public Schools Act*” and inserting in lieu thereof the words “subject to appeal as is provided by section 121 of *The Public Schools Act*.” Rev. Stat., c. 328, s. 53, subs. 1, amended.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

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three miles if he is over that age, and transportation is not provided by the school board for the children going to and from the public or separate school of the section or municipality;

(d) there is not sufficient accommodation in the school which the child has the right to attend;

(e) the child has been excused as hereinafter provided by the school attendance officer, or by a justice of the peace, or by the principal of the public or separate school which the child is entitled to attend; or

(f) the child has passed the university matriculation examination in Arts, or has completed the examination for admission to the normal schools or a course which gives him an equivalent standing; 1919, c. 77, s. 5 (1).

(g) the child is absent from school for the purpose of receiving instruction in music and the period of such absence does not exceed one half day in each week. 1921, c. 89, s. 19. Excusing attendance during music lessons.

(2) The fact that a child is blind or deaf shall not be deemed an unavoidable cause within the meaning of clause b of subsection 1 if the child is a fit subject for admission to the Ontario School for the Blind or the Ontario School for the Deaf. Child who is blind or deaf.

(3) The provincial school attendance officer may inquire as to the instruction given to any child who is not attending school or as to any other reason or excuse for non-attendance of a child at school, and as to the general educational proficiency of such child, and the other circumstances of the case, and may by order in writing signed by him, determine whether or not the child shall be exempt from school attendance, and if he deems the instruction given to the child is inadequate, or that there is no valid reason why the child should not attend school, he may by such order direct that the child shall attend school, and thereafter, and so long as such order remains in force, the child shall not be excused from school attendance under the provisions of subsection 1 of this section. Enquiry by provincial officer.

(4) Where a child over five years of age but under eight has been enrolled as a pupil in a public or separate school, the provisions of this Act shall apply during the school term for which the child is enrolled as if he was of an age between the ages of eight and fourteen. 1919, c. 77, s. 5 (2-4). Children attending school before eight years of age.

5.—(1) Except as provided by subsection 2, no child under the age of fourteen years shall be employed by any person during school hours, and any person who employs a child in contravention of this section shall incur a penalty not exceeding \$20. Employment of children during school hours

Certificate
authorizing
employ-
ment.

(2) Where in the opinion of the school attendance officer or of a justice of the peace, or of the principal of the school attended by any child, the services of such child are required in husbandry, or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, the school attendance officer, justice of the peace or principal may by certificate setting forth the reasons therefor, relieve such child from attending school for any period not exceeding six weeks out of each school term so long as such child is required in any occupation stated in the certificate. 1919, c. 77, s. 6.

Appoint-
ment and
duties of
provincial
officer.

6. The Lieutenant-Governor in Council may appoint an officer, to be known as the provincial school attendance officer, whose duty it shall be, under the direction of the Minister, and subject to the regulations, to superintend and direct the enforcement of this Act and in that behalf to perform such duties and exercise such powers as may be prescribed by this Act and the regulations. 1919, c. 77, s. 7.

Provincial
officer
acting as
trustee.

Rev. Stat
c. 323.

7. Where it appears to the Minister that in any territory without municipal organization or in unsurveyed territory school trustees are not providing accommodation for the children entitled to attend school, or have neglected or failed to raise the necessary funds for the establishment and maintenance of a school, or have in other respects failed to comply with *The Public Schools Act* and the regulations, or that the election of trustees has been neglected and no regular board of trustees is in existence, the Minister may by commission under his hand authorize and direct the provincial school attendance officer to do all things, and exercise all powers which may be necessary for the establishment and maintenance of a school, the erection of school buildings and providing accommodations, the opening and conducting of a school, the assessing and levying of all sums of money required for school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a school in accordance with *The Public Schools Act* and the regulations, and thereupon the provincial school attendance officer shall have and may exercise and perform with regard to all matters set forth in the commission, all the authority, powers and duties vested in, and to be performed by a board of school trustees under *The Public Schools Act* and the regulations. 1919, c. 77, s. 8.

Appoint-
ment of
attendance
officers.

8.—(1) The board of education or public school board, high school board and separate school board in every urban municipality shall appoint a school attendance officer or two or more school attendance officers for the enforcement of this Act. 1921, c. 89, s. 20.

Powers
as a
peace
officer.

(2) A school attendance officer shall, for the purposes of this Act, be vested with the powers of a peace officer and shall have authority to enter factories, workshops, stores,

shops and all other places where children may be employed or congregated, or at the request of the parent or guardian shall have authority to apprehend and deliver to the school from which he is absent or to his parent or guardian, without warrant, such child found illegally absent from school, and shall perform such services as may be necessary for the enforcement of this Act. 1919, c. 77, s. 9 (2); 1921, c. 89, s. 21.

(3) The council of every township shall appoint a school attendance officer or school attendance officers who shall have the same powers and perform the same duties as school attendance officers in an urban municipality, but the appointment of a school attendance officer by the council of a township shall not affect the powers and duties of a school attendance officer heretofore or hereafter appointed as provided in subsection 4.

Appointment of attendance officers in townships.

(4) In territory without municipal organization or in unsurveyed territory a board of public school trustees, or a board of separate school trustees may appoint a school attendance officer and in the case of any public or separate school in which not less than five teachers are employed the board of school trustees of the public school section or the board of separate school trustees may appoint a school attendance officer. 1922, c. 98, s. 24.

In territory without municipal organization or unsurveyed.

(5) Where the council of a county has heretofore appointed a truant officer under the provisions of *The Truancy Act*, such truant officer shall be the school attendance officer for the county, and it shall not be necessary for any urban school board or township council to appoint a school attendance officer for any part of the county in which the officer appointed by the county council acts.

Truant officer.

Rev. Stat. 1914, c. 274.

(6) The municipality or school corporation appointing a school attendance officer may make rules not inconsistent with the provisions of this Act or the regulations for the direction of such officer.

Rules.

(7) Notice of every appointment made under this section shall be given by the appointing body to the provincial school attendance officer and to the inspector, and in case of an appointment by the council of the township, to every public and separate school board of the township.

Notice of appointment.

(8) A woman shall be eligible for appointment as a school attendance officer.

Women may be appointed.

(9) Every school attendance officer shall report monthly to the body appointing him and annually to the provincial school attendance officer, according to the form provided by the regulations.

Monthly report.

(10) A school attendance officer shall perform his duties under the direction of the inspector, and shall at all times carry out the instructions and directions of the provincial school attendance officer. 1919, c. 77, s. 9 (5-10).

To act under inspector and provincial officer.

Clerk to furnish secretary of board with list prepared under Rev. Stat. c. 238.

Census of children by board.

Inquiries as to non-attendance and notice to parents, etc.

Liability of parents.

Requiring bond for attendance.

Proceedings to be taken by officers.

Report by teacher of non-attendance.

9. The clerk of the municipality shall furnish to the secretary of every public and separate school board in the municipality the particulars recorded in the book prepared by the assessor under subsection 1 of section 34 of *The Assessment Act* as to children whose parents or guardians are supporters of the schools under the control of the board, but a board of education or board of school trustees shall have authority to make a complete census of all children resident in the municipality or school section who are not of the age of twenty-one years. 1919, c. 77, s. 10; 1921, c. 89, s. 22.

10. Every school attendance officer shall examine into every case of non-compliance with this Act within his own knowledge or when requested so to do by the inspector, or by a principal of a school, a teacher, or a ratepayer, and shall warn the parent or guardian of children not attending school in compliance with this Act, in writing of the consequences of such non-compliance, and shall also give notice in writing to the parents, guardian or other person having the authority or control of a child between the ages of eight and fourteen years who is not attending school as required by this Act, to cause the child to attend school forthwith. 1919, c. 77, s. 11; 1921, c. 89, s. 23.

11.—(1) A parent, or guardian or other person having the charge or control of any child between the ages of eight and fourteen years, who neglects or refuses to cause such child to attend school unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than \$5 nor more than \$20.

(2) The court may, instead of imposing a penalty, require a person convicted of an offence under this section to give a bond in the penal sum of \$100, with one or more sureties to be approved by the court, conditioned that the person convicted shall, after the expiration of five days, cause the child to attend school as required by this Act. 1919, c. 77, s. 12

12. Proceedings against a parent, guardian or other person having the charge or control of a child, or against any other person violating any of the provisions of this Act shall be instituted by the school attendance officer. 1919, c. 77, s. 13.

13.—(1) The teacher or principal of every public, separate, high or technical school shall once in each month of the school year or oftener if required by the municipal or school corporation appointing a school attendance officer, report to the school attendance officer of the municipality or section in which the school is situated, the names, ages and residences of all pupils on the school register who have not attended the school as required by this Act, together with such other in-

formation as the school attendance officer may require for the enforcement of the provisions of this Act. 1919, c. 77, s. 14 (1); 1921, c. 89, s. 24.

(2) The teacher or principal as the case may be, shall forthwith report to the school attendance officer every case of expulsion. Report on expulsion.

(3) Where there is no school attendance officer and a child has failed to attend school or has attended so irregularly as in the opinion of the inspector to necessitate special action, the inspector shall notify the parents or guardian of the child of the provisions of this Act. 1919, c. 77, s. 14 (2, 3). Where there is no school attendance officer.

(4) The non-attendance or irregular attendance of the child shall be ascertained by the teacher of the school which the child should attend by reference to the school register and to the particulars from the list prepared under subsection 1 of section 34 of *The Assessment Act* transmitted by the clerk of the municipality to the secretary of the board, and the teacher shall report such non-attendance or irregular attendance to the inspector and to the school attendance officer. 1919, c. 77, s. 14 (4); 1921, c. 89, s. 25. How non-attendance or irregular attendance ascertained. Rev. Stat. c. 23.

(5) It shall be the duty of the inspector, when inspecting every school in his inspectorate, to see that the duties of the school attendance officer are properly performed and that the provisions of subsections 3 and 4 of this section are complied with and to report any breach thereof to the Department of Education. 1919, c. 77, s. 14 (5). Duty of inspector.

14. Where any of the provisions of this Act are violated by a corporation, proceedings may be had against every officer or agent of the corporation who is a party to such violation, and such officer or agent shall be subject to the same penalties as any other person similarly offending. 1919, c. 77, s. 15. Violations of Act by corporations.

15. Every person and officer charged with the duty of enforcing any provision of this Act who neglects to perform the duty imposed upon him shall incur a penalty not exceeding \$10 for each offence. 1919, c. 77, s. 16. Penalty for neglecting to enforce Act.

16. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act* and shall be applied to such purposes as the Minister may direct. 1919, c. 77, s. 17; 1921, c. 89, s. 26. Recovery of penalties. Rev. Stat. c. 121

17. A conviction or order made in any matter arising under this Act shall not be removed either at the instance of the Crown or of any private person into the Supreme Court. 1919, c. 77, s. 18. Convictions not to be removed.

Onus of
proof of
age of
child.

18. Where a person is charged with an offence under this Act in respect to a child who is alleged to be within the ages of eight and fourteen years and the child appears to the court to be within such ages the child shall, for the purposes of this Act, be deemed to be within such ages unless the contrary is proved. 1919, c. 77, s. 19.

Children
of separate
school
supporters.

19.—(1) Nothing herein shall be held to require the child of a Roman Catholic who is a separate school supporter to attend a public school or to require the child of a public school supporter to attend a Roman Catholic separate school.

Absence
on holy
days
excused.

(2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the church or religious denomination to which such child belongs. 1919, c. 77, s. 20.

Regula-
tions.
Rev. Stat.
c. 322.
Qualifica-
tion and
duties of
officers.

20. Regulations may be made in the manner provided by *The Department of Education Act*—

Notices
and
returns.

(a) prescribing the duties and qualifications of the provincial school attendance officer and of school attendance officers, inspectors, and other officers acting under this Act;

(b) respecting the notices to be given and the returns to be made under this Act and the time and manner of giving or making the same;

Forms.

(c) prescribing the forms to be used under this Act;

General.

(d) generally for the better carrying out of the provisions of this Act. 1919, c. 77, s. 21.

The Adolescent School Attendance Act.

R.S.O. 1927, Chapter 333.

1. In this Act,—

- | | |
|--|--|
| <p>(a) “Adolescent” shall mean a person of either sex who is not more than eighteen years of age, and who is exempted from school attendance under <i>The School Attendance Act</i>;</p> <p>(b) “Minister” shall mean Minister of Education;</p> <p>(c) “Regulations” shall mean regulations made under the authority of <i>The Department of Education Act</i> or of this Act;</p> <p>(d) “School” shall mean a school organized under <i>The Public Schools Act, The Separate Schools Act, The Continuation Schools Act, The High Schools Act</i> or <i>The Vocational Education Act</i>. 1919, c. 78, s. 2.</p> | <p>Interpretation.</p> <p>“Adolescent.”</p> <p>Rev. Stat. c. 332.</p> <p>“Minister.”</p> <p>“Regulations.”</p> <p>Rev. Stat. c. 322.</p> <p>“School.”</p> <p>Rev. Stat. cc. 323, 328, 325, 326, 334.</p> |
|--|--|

2.—(1) Every adolescent between fourteen and sixteen years of age shall attend school for the full time during which the schools of the municipality in which he resides are open each year unless excused for the reasons hereinafter mentioned.

(2) The obligation to attend school under this section shall not apply to any adolescent if—

- | | |
|--|--|
| <p>(a) he is unable to attend school by reason of sickness, infirmity, or other physical defect;</p> <p>(b) he is employed on the authority of a home permit or of an employment certificate as hereinafter provided;</p> <p>(c) he has passed the matriculation examination of an approved university or has completed, to the satisfaction of the Department of Education, a course of study which may be regarded as the equivalent of the requirements of such examination; or</p> <p>(d) he is in attendance at some other educational institution approved by the Minister. 1919, c. 78, s. 3.</p> | <p>Compulsory attendance from 14 to 16.</p> <p>Exceptions.</p> |
|--|--|

(3) The obligation to attend school under this section shall not apply to any adolescent whose parents or guardians reside in a rural school section and whose services are required in the

Exceptions in rural school sections.

household or on the farm of his parents or guardians, and adolescents exempt under this section shall not be required to obtain home permits as provided in subsection 1 of section 3. 1923, c. 55, s. 2.

Home
permits

3.—(1) Where, in the opinion of the school attendance officer, the services of an adolescent between fourteen and sixteen years of age are required in any permitted occupation in or about the home of his parent or guardian, he may be granted by an attendance officer, on the written application of his parent or guardian, a home permit to engage in such services.

Employment
certificates.

(2) Where, in the opinion of the school attendance officer, the services of an adolescent between fourteen and sixteen years of age are required in some permitted gainful occupation for the necessary maintenance of such adolescent or some person dependent upon him, he may be granted by an attendance officer, on the written application of his parent or guardian, an employment certificate to engage in such services. 1919, c. 78, s. 4.

Hours
during
which
employment
prohibited.

4. No adolescent between fourteen and sixteen years of age shall be employed by any person during the hours from 8 a.m. to 5 p.m., unless he holds a home permit, or an employment certificate, as provided for in section 3 of this Act. 1919, c. 78, s. 5.

Part-time
courses
between
14 and 16.

5. Every adolescent between fourteen and sixteen years of age who holds either a home permit or an employment certificate, shall attend part-time courses of instruction, approved by the Minister, for an aggregate of at least four hundred hours each year, distributed as regards times and seasons as may best suit the circumstances of each locality, when such part-time courses of instruction are established in the municipality in which he is employed. 1919, c. 78, s. 6.

Between
16 and 18.

6.—(1) Unless excused for reasons hereinafter mentioned, every adolescent between sixteen and eighteen years of age shall attend part-time courses of instruction, approved by the Minister, for an aggregate of at least three hundred and twenty hours each year, distributed as regards times and seasons as may suit the circumstances of each locality, when such courses of instruction are established in the municipality in which he resides or is employed.

Exceptions.

(2) The obligation to attend part-time courses of instruction under this section shall not apply to any adolescent if—

- (a) he is unable to attend such courses by reason of sickness, infirmity, or other physical defect;
- (b) he has passed the matriculation examination of an approved university or has completed, to the satis-

faction of the Department of Education, a course of study which may be regarded as the equivalent of the requirements of such examination;

(c) he is in full-time attendance at a public or a separate school, a high school, a university, or other school approved by the Minister;

(d) he is shown to the satisfaction of the public school inspector in the municipality in which he resides to have been, up to the age of sixteen, under full-time instruction in a school recognized by the Department of Education as efficient, or under suitable and efficient full-time instruction in some other manner. 1919, c. 78, s. 7.

7. No adolescent between sixteen and eighteen years of age in a municipality in which part-time courses of instruction approved by the Minister are maintained shall be employed by any person unless he holds either a school dismissal card or a school registration card to be issued as provided in the regulations. 1919, c. 78, s. 8.

Employment of adolescent—when prohibited.

8. On and after such date as may be fixed by the Lieutenant-Governor by proclamation, every urban municipality with a population of 5,000 and over shall, and any other municipality or school section may, through the authorities hereinafter named, establish and maintain part-time courses of instruction for the education of adolescents between fourteen and eighteen years of age. 1919, c. 78, s. 9.

Establishment of part-time courses.

9. The subjects of the courses of study for adolescents shall be selected from those prescribed by the Department of Education for the public and separate schools; the high schools; the art, industrial, and technical schools and classes; the commercial high schools and the commercial departments of the high schools; and the agricultural and household science departments in high schools. 1919, c. 78, s. 10.

Courses of study.

10.—(1) Subject to the regulations of the Department of Education courses for adolescents in the public and separate schools respectively, shall be provided by and shall be under the control of the boards of said schools, and those in the continuation schools and the high schools shall be provided by and shall be under the control of the boards of said schools.

Control of part-time courses.

(2) Where schools or classes have been established under section 4 of *The Industrial Education Act*, the courses of study for adolescents engaged in trades or in industrial or manufacturing occupations, shall be provided by and shall be under the control of the advisory industrial committee.

Courses for study under Rev. Stat. c.

Advisory
commercial
committee.

(3) In a municipality where there is a commercial high school or a commercial department in a high school, the courses for adolescents engaged in commercial occupations shall be provided by and shall be under the control of the advisory commercial committee. 1919, c. 78, s. 11.

Hours of
instruction.

11. Classes providing part-time courses of instruction for adolescents shall be in session for the same number of days in each year as the high schools of the Province, and such classes shall not open before 8 a.m. nor close later than 5 p.m. 1919, c. 78, s. 12.

Inspection.

12. The part-time courses for instruction for adolescents shall be subject to such inspection as the Minister may prescribe. 1919, c. 78, s. 13.

Suspension
of employ-
ment during
hours of
instruction.

13. The employment of any adolescent who is under an obligation under this Act to attend part-time courses of instruction shall be suspended on any day when his attendance at such courses is required, not only during the period for which he is required to attend the courses, but also for such additional time as is necessary for him to travel to or from the school where instruction is given. 1919, c. 78, s. 14.

Time of
instruction
included
in legal
hours of
employment.

14. The time spent by an adolescent in attendance at part-time courses of instruction shall be reckoned as a part of the number of hours per day or per week that such adolescent may be lawfully employed. 1919, c. 78, s. 15.

Offences
and
penalties.

15.—(1) Every person who—

(a) employs an adolescent who does not hold either

(i) a home permit or an employment certificate as defined in section 3; or

(ii) a school dismissal card or a school registration card as defined in section 7; or,

(b) employs an adolescent at any time during which his attendance is by this Act required at part-time courses of instruction; or,

(c) employs such adolescent for such a number of hours as with the number of hours during which the adolescent is required to attend such courses will exceed in any day or week the number of hours during which such adolescent may be lawfully so employed; or,

(d) being a parent or guardian of an adolescent, has conduced to or connived at the failure on the part of an adolescent to attend part-time courses of instruction as required under this Act, or suf-

fers or permits such adolescent, through want of proper care or control, to violate any of the obligations of this Act,

shall incur a penalty not exceeding \$5 for the first offence, and in the case of a second or subsequent offence in relation to the same adolescent or another adolescent, shall incur a penalty not exceeding \$25. 1919, c. 78, s. 16 (1).

(2) The penalties imposed by this section shall be recoverable under *The Summary Convictions Act* and shall be applied to such purposes as the Minister may direct. 1919, c. 78, s. 16 (2); 1921, c. 89, s. 27. Application of penalties. Rev. Stat. c. 121.

16. The school attendance officer in the municipality in which an adolescent is employed may revoke the home permit, the employment certificate, or the school registration card of an adolescent who fails to attend part-time courses of instruction as required by the provisions of this Act. 1919, c. 78, s. 17. Revocation of home permits, etc.

17. For the purpose of enforcing this Act, the school attendance officer appointed under *The School Attendance Act* shall perform the duties of the school attendance officer named in sections 3 and 16 and shall have the powers and shall perform the duties conferred and imposed upon him by the said Act. 1919, c. 78, s. 18. Duties of school attendance officer.

18. No penalty shall be imposed in respect to the absence of an adolescent from any part-time course of instruction established under this Act on a day regarded as a holy day by the church or religious denomination to which the adolescent belongs. 1919, c. 78, s. 19. Absence on holy days.

19. Municipalities maintaining such part-time courses of instruction for adolescents as are approved by the Minister as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, conditions of admission, employments of pupils, and expenditures of money, may receive reimbursement from sums appropriated by this Legislature for this purpose or for technical or agricultural education, in amounts and under conditions prescribed in the regulations. 1919, c. 78, s. 20. Application of legislative appropriation.

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The Vocational Education Act

Revised Statutes of Ontario, 1927
Chapter 334.



ONTARIO
DEPARTMENT OF EDUCATION

TORONTO

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1928

The Vocational Educational Act.

R.S.O. 1927, Chapter 334.

Interpre-
tation.

"Board."

"Minister."

"Regula-
tions."

Rev. Stat.
c. 322.

1. In this Act,

- (a) "Board" shall mean and include a board of education, a board of high school trustees, and a continuation school board;
- (b) "Minister" shall mean Minister of Education;
- (c) "Regulations" shall mean regulations made under the authority of *The Department of Education Act* or of this Act. 1921, c. 90, s. 2.

PART I.

VOCATIONAL SCHOOLS ESTABLISHED BY BOARDS.

Application
of Act.

Rev. Stat.
1914, c. 276.

2. This Part shall apply to all art, industrial and technical schools and courses, heretofore established under Acts of this Legislature respecting high schools and technical schools and in operation at the time of the passing of *The Industrial Education Act*; to the industrial and art schools and courses and to the technical, the agricultural, and the commercial high schools and high school courses heretofore established under *The Industrial Education Act* and under the regulations; and to the vocational schools and departments hereafter established under this Part. 1921, c. 90, s. 3.

Classes of
schools
which
may be
established.

3. With the approval of the Minister, a high school board, a board of education, or a continuation school board of any municipality or school section may provide for duly admitted pupils in the following classes of vocational schools:

- (1) Industrial schools and departments;
- (2) Home-making schools and departments;
- (3) Art schools and departments;
- (4) Technical high schools and departments;
- (5) Agricultural high schools and departments;
- (6) Commercial high schools and departments. 1921, c. 90, s. 4.

4. Subject to the regulations or with the approval of the Minister, courses of instruction in the vocational schools provided for in this Part may include—

Vocational schools.

- (a) general full-time day school courses of instruction;
- (b) special full-time day school courses of instruction;
- (c) part-time day school courses of instruction;
- (d) evening school courses of instruction. 1921, c. 90, s. 5.

5.—(1) Pupils who may be duly admitted under the regulations to a day high school may be admitted to any of the vocational schools or departments provided for in this Part.

Admission of pupils to vocational schools.

(2) For admission to a general full-time day course of instruction in a commercial or a technical high school or department, applicants shall hold certificates qualifying them for admission to a day high school.

Certificate, when required.

(3) Subject to the regulations and on the report of the principal approved by the advisory committee concerned, pupils of at least the standing of the fourth form of the public and separate schools may be admitted to,

Report of principal.

- (a) a general, special, or part-time course of instruction in an industrial, home-making, or art school or department;
- (b) a general, special, or part-time course of instruction in an agricultural high school or department;
- (c) a special or a part-time course of instruction in a commercial or technical high school or department.

(4) Workmen or workwomen employed during the day may be admitted to a vocational evening school or course subject to the regulations and on the report of the principal, approved by the advisory industrial committee concerned, that they are competent to receive instruction therein. 1921, c. 90, s. 6.

Workmen and workwomen employed by day.

(5) Subject to the regulations, pupils of thirteen years of age and over, who have been in attendance in auxiliary training classes, or who are eligible for admission to such classes, may, with the approval of the Minister and upon an examination conducted subject to his direction, be admitted to special industrial classes established by a board for the purpose of giving vocational instruction to such pupils where it is found that they may be benefited by it. 1924, c. 82, s. 18.

Admission of pupils from auxiliary training classes.

6. Where, in accordance with the regulations, one or more schools or departments to which this Part applies have been or may hereafter be established by a board, the said schools

Appointment and jurisdiction of committees.

or departments shall be under the management and control of advisory committees appointed by the board to be known and to have jurisdiction as follows:—

Advisory
industrial
committee.

- (1) A committee to be known as the advisory industrial committee to have management and control of all industrial schools and departments, home-making schools and departments, art schools and departments, and technical schools and departments;

Advisory
agricultural
committee.

- (2) A committee to be known as the advisory agricultural committee to have management and control of all agricultural high schools and departments;

Advisory
commercial
committee.

- (3)' A committee to be known as the advisory commercial committee to have management and control of all commercial high schools and departments; 1921, c. 90, s. 7, *part*.

Advisory
vocational
committee.

- (4) Where two or more of the vocational departments mentioned in section 3 are conducted by a board it may, in lieu of the appointment of a separate advisory committee for each department, appoint one advisory committee to be known as the "advisory vocational committee" to have the management and control of all the vocational courses conducted in the school. 1927, c. 88, s. 13.

Advisory
industrial
committee,
how
composed.

7.—(1) The advisory industrial committee shall be composed of eight or twelve persons as the board may direct, the members of which shall be appointed by the board as follows:—

(a) When the number of persons is eight—

- (i) four members of the board, including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any; and where a board of education is established, four members of the board, one of whom shall be a representative of the board of separate school trustees;
- (ii) two persons, not members of the board, who are engaged as employees in the manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (iii) two other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing or other industries carried on in

the local municipality or in the county or district in which the school is situate;

(b) When the number of persons is twelve—

- (i) six members of the board, including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any; and where a board of education is established six members of the board, one of whom shall be a representative of the separate school board;
- (ii) three persons, not members of the board, who are engaged as employees in the manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (iii) three other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate.

(2) The advisory agricultural or commercial committee shall be composed of eight persons, the members of which shall be appointed by the board as follows:—

Advisory
agricultural
or com-
mercial
committee,
how
composed.

- (a) Four members of the board, including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any; and where a board of education is established, four members of the board, one of whom shall be a representative of the board of separate school trustees;
- (b) Four persons who are resident ratepayers of the local municipality or of the county or district in which the school is situate or the course is established who are not members of the board and who—
 - (i) in the case of an agricultural high school or agricultural course are actually engaged in agricultural pursuits; or
 - (ii) in the case of a commercial high school or commercial course are actually engaged in commercial pursuits.

Advisory
vocalional
committee,
how
composed.

(3) The advisory vocational committee provided for in subsection 4 of section 6 shall be composed of twelve persons, the members of which shall be appointed by the board as follows:—

- (a) Six members of the board, including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any; and where a board of education is established, six members of the board, one of whom shall be a representative of the separate school board;
- (b) Three persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (c) Three other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate. 1921, c. 90, s. 8.

Case where
separate
school not
represented
on board of
education.

8. Where a board of education has been established and the board of separate school trustees has not appointed a member of such board the board of education shall appoint from among its members a representative or representatives to complete the number of representatives of the board on any advisory committee constituted under section 7 and the member so elected shall hold office until the expiry of the period for which he was elected or appointed to the board of education. 1926, c. 67, s. 7.

Appoint-
ment of
members of
committee.

9.—(1) The first members of an advisory committee shall be appointed at the meeting of the board at which a school or department is established for which an advisory committee is to be appointed under this Part.

Tenure of
office of
members
who are
members of
Board.

(2) The members appointed under subclause (i) of clause *a* and subclause (i) of clause *b* of subsection 1 of section 7, clause *a* of subsection 2 and clause *a* of subsection 3 of section 7 shall hold office until the expiry of the period for which they were elected or appointed to the board.

Tenure of
office of
other
members.

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board, but shall not exceed three years.

Filling
vacancies
caused by
retirement.

(4) The board, at its first meeting in each year after the establishment of the school or department, shall appoint a sufficient number of members from each class to fill the

vacancies caused by the expiry of the term of office of members appointed from that class.

(5) Every vacancy upon a committee occasioned by death, removal or other cause, shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant. Filling other vacancies.

(6) The presence of a majority of the members constituting a committee shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind a committee. Quorum.

(7) On every question other than the election of a chairman, the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. 1921, c. 90, s. 9. Chairman voting.

10.—(1) An advisory committee may, at a meeting which has been specially called for that purpose and of which notice has been given in writing to all the members, appoint such additional members, hereinafter called co-opted members, as it may deem advisable, and members of the board may be so appointed, but Co-opted members.

(a) in the case of an advisory industrial committee an equal number of the persons so appointed shall be chosen from each of the classes mentioned in subclauses (ii) and (iii) of clauses *a* and *b* of subsection 1 of section 7; and

(b) in all cases the members so appointed shall belong to the classes from which persons not members of the board may be appointed by the board to the committee.

(2) The term for which co-opted members of the committee shall respectively hold office shall be fixed by the committee, but shall not exceed three years. 1921, c. 90, s. 10. Tenure of office.

11. The members of an advisory committee appointed under this Part, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the board, are specially competent to give advice and other assistance in the management of the school or department under the charge of the committee. 1921, c. 90, s. 11. Qualification of members.

12.—(1) Subject to the approval of the Minister and the board, every advisory committee shall have authority to provide a suitable site and building and suitable equipment or to arrange for conducting the school or department in a high, Powers of committee subject to approval of Minister and board.

public, separate or continuation school building or other building in the municipality, and to prescribe courses of study and provide for examinations and diplomas.

Powers
subject to
approval
of board.

(2) Subject to the approval of the board, the committee shall employ teachers and fix their salaries, report on every school or department under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school or department during the year, and generally do all other things necessary for carrying out the objects and intent of this Part with respect to any school or department under its management and control.

When
approval
withheld.

(3) The board shall not refuse its approval of any report of an advisory committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which such report may be referred by the chairman of the advisory committee or by another member of the advisory committee appointed for that purpose.

Officers
of the
committee.

(4) The secretary and other officers of the board shall be the officers of the advisory committee.

Appoint-
ment of co-
ordinating
officers.

(5) Subject to the approval of the Minister an advisory committee may appoint one or more officers with qualifications approved by the Minister to bring to the attention of employers and employees the work of the schools or departments, and to make the necessary arrangements between employers, employees, and the schools or departments for the conduct of part-time or co-operative classes, and, in general, to act as a co-ordinating officer between the local industries and the schools or departments, and every such person so appointed shall be subject to the control of the advisory committee. 1921, c. 90, s. 12.

Cost of
establishing,
equipping
and main-
taining a
school.

13.—(1) Subject to the regulations the estimates of the committee of the cost of establishing, equipping and maintaining the school or department under its management and control, when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the council of the municipality for the year.

How
provided.

(2) Subject to the regulations, the cost of establishing and maintaining, and of making additions, alterations or permanent improvements to every school established under section 3 or under chapter 79 of the Acts passed in the 1st year of the reign of His Majesty King George the Fifth or under *The Industrial Education Act*, shall be provided for in the same manner as in the case of a high school. 1921, c. 90, s. 13.

Rev. Stat.,
1914,
c. 276.

14. Subject to the regulations the Minister shall appropriate all sums of money appropriated by this Legislature for the establishment and maintenance of schools or departments to which this Part applies. 1921, c. 90, s. 14.

Apportion-
ment of
legislative
grant.

15. The regulations may provide as to any class of schools or departments for the qualifications of teachers, the courses of study, the character of the site, accommodations, and equipment, the maximum and minimum fees that may be charged to pupils, and generally as to any matter relating to the conduct and efficiency of the schools and departments not herein expressly provided for. 1921, c. 90, s. 15.

Regulations.

16. Subject to the Minister's approval where an advisory committee and the board of education or the board of public or separate school trustees so agree, evening courses in manual training and household science, art, agriculture or commerce under the charge of the board shall thereafter be under the control and management of the advisory, industrial, agricultural or commercial committee, as the case may be. 1921, c. 90, s. 16.

Establish-
ment of
evening
courses.

17. Subject to the approval of the Minister an advisory committee may also establish and conduct special evening courses in any centre in the county outside of the district over which it has jurisdiction. 1921, c. 90, s. 17.

Establishing
evening
courses in
other
centres.

PART II.

PROVINCIAL TECHNICAL SCHOOLS.

18. The Minister, with the approval of the Lieutenant-Governor in Council, may establish, maintain, conduct and control schools for technical training required in any branches of industry or may enter into an agreement with any organization in the interest of any branch of industry for that purpose. 1920, c. 102, s. 2, *part*.

Authority
to establish
schools.

19. The cost of establishing and maintaining a school established under this Part shall be borne and paid out of moneys appropriated by this Legislature or received from the Dominion Government for the purposes of technical education and out of any moneys contributed by any organization under an agreement made in pursuance of section 18 or under the regulations. 1920, c. 102, s. 2, *part*.

Cost—how
borne.

20. Every school established under this Part shall be maintained and conducted by a board to be appointed or elected in the manner provided by the regulations, and such

Board.

regulations may provide for the representation upon the board of any organization of employers or employees in the particular branch of industry for which the school is established. 1920, c. 102, s. 2, *part*.

Regulations.

21. The Minister, with the approval of the Lieutenant-Governor in Council, may make regulations for the establishment, organization, government, courses of study and examination of technical schools established under this Part, and generally the Minister and the Lieutenant-Governor in Council shall have and may exercise with respect to any such school the powers conferred by *The Department of Education Act* with respect to technical schools. 1920, c. 102, s. 2, *part*.

Rev. Stat.
c. 322.

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THE SCHOOL SITES ACT

Statutes of Ontario, 1928,
Chapter 54



ONTARIO
DEPARTMENT OF EDUCATION

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1928

Statutes of Ontario, 1928.

CHAPTER 54.

An Act respecting the Acquisition of Land for School Purposes.

Assented to 3rd April, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The School Sites Act, 1928.* Short title.

2. In this Act,—

Inter-
pretation.

- (a) "Board" shall mean and include board of public school trustees, board of separate school trustees, board of education, high school board and advisory committee appointed under *The Vocational Education Act*;
- (b) "Judge" shall mean judge or junior or acting judge of the county or district court of the county or district in which lands to be acquired for a school site under this Act are situate;
- (c) "Owner" shall include a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (d) "School site" shall mean the land necessary for a school house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and playgrounds connected therewith, or other land required for school purposes or for the offices of a board. See R.S.O. 1927, c. 335, s. 1.

Judge not
to act when
member of
board.

3. A judge who is a member of a board shall not act in any matter under this Act in which the board is interested. See R.S.O. 1927, c. 335, s. 1.

Powers and
duties to be
subject to
regulation.
Rev. Stat.,
c. 322.

4. The powers and duties conferred and imposed upon a board by this Act shall be subject to the regulations made under *The Department of Education Act*. R.S.O. 1927, c. 335, s. 2.

Restrictions
as to selec-
tion in
townships.

5.—(1) In a township a school site shall not be selected nor shall an existing school site be enlarged so as to include land which comprises or forms part of or is situate within one hundred yards of an orchard, garden, pleasure-ground or dwelling-house without the consent of the owner of such orchard, garden, pleasure-ground or dwelling-house unless the judge, upon the application of the board and after notice to all persons interested, certifies in writing that other land suitable for the required purpose cannot be obtained.

Exception.

Compensa-
tion to
owner of
orchard, etc.

(2) Where the judge so certifies the board shall pay to the owner of the orchard, garden, pleasure-ground or dwelling-house such sum as the judge, on the application of the owner, shall determine to be a fair compensation for having the school site located within such distance, and the costs of the application shall be in the discretion of the judge.

Application
of section
limited.

(3) This section shall not apply to that part of a township which lies within two miles from the limits of a city having a population of over 100,000. R.S.O. 1927, c. 335, s. 3.

Board may
purchase or
expropriate.
Rev. Stat.,
c. 323.

6.—(1) Subject to the provisions of section 5 and to the provisions of *The Public Schools Act*, as to the selection of a site by the board of a rural school section every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the same is required for a school site or for the enlargement of a school site.

Acquiring
land in
township
adjoining
city.

(2) The board of education for a city may acquire by purchase or otherwise, or may expropriate land in a township for the purposes of a school site where such land adjoins a road forming a boundary road between the city and the township.

Land not to
be exempt
from
taxation.

(3) Where a board of education expropriates land under the provisions of subsection 2, such land shall not be exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the said land, or in case of disagreement the amount shall be determined by the judge. R.S.O. 1927, c. 335, s. 4.

Acquiring
land outside
city for
school sites.

7.—(1) The board of education of a city having a population of 50,000 or over or any advisory committee appointed

by the board under *The Vocational Education Act*, may acquire by purchase or otherwise any land in an adjacent municipality which the board or such advisory committee deems it desirable to acquire, in view of the probable further extension of the limits of the city, so as to include such land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city, and all land so acquired, so long as it is held by the board or such advisory committee, shall be subject to municipal assessment and taxation in the municipality in which it is situate.

(2) Nothing contained in subsection 1 shall be deemed to authorize the expropriation of land by the board or the advisory committee of such city in any other municipality.

(3) Where a board or an advisory committee has acquired land in any municipality under the provisions of subsection 1, and the same appears to the board or the advisory committee to have become undesirable for school purposes, the board or the advisory committee may sell, lease, or otherwise dispose of the same as it may deem expedient.

(4) This section shall have effect and apply as to all lands so acquired by the board of education or the advisory committee of a city since the 1st day of January, 1910. R.S.O. 1927, c. 335, s. 5.

8. At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county in which the land lies to put the board in possession, and to put down such resistance or opposition, which the sheriff taking with him sufficient assistance, shall accordingly do. R.S.O. 1927, c. 335, s. 6.

9.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator and every trustee (not only for and on behalf of himself, his heir and successors but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, lunatics, or idiots), or other person, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site; and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes. R.S.O. 1927, c. 335, s. 7 (1).

Where there is no person who can convey.

(2) Where there is no person who under the provisions of subsection 1 of this section may contract, sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsections 1 and in any proceedings which may be taken under this Act, and may give proper direction concerning the disposition of the purchase money. See R.S.O. 1927, c. 335, s. 7 (2).

Determining amount of compensation—where no agreement.

10.—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner the amount to be paid shall be fixed and determined by the judge upon oral evidence at such time and place as he may upon notice to all concerned appoint.

Hearing.

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

Duties of sheriff and clerk.

(3) The sheriff and the clerk of the county court shall perform the same duties and shall be entitled to the same fees as in the case of a trial in the county court.

Appeal.

(4) An appeal shall lie from the decision of the judge to the Appellate Division.

Interest payable to owner.

11. The judge shall determine what interest, if any, shall be paid to the owner.

Judge may order notice to be published and mailed.

12.—(1) On filing with the county judge the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent enquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct. R.S.O. 1927, c. 335, s. 10 (1).

Contents of notice.

(2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the judge who is to determine the compensation under this Act and shall state the time within which the offer is to be accepted, and such other particulars as the judge may direct. See R.S.O. 1927, c. 335, s. 10 (2).

(3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed *ex parte* on oral evidence to determine the compensation to be paid. Determining compensation.

13. The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to the land, provided that in such case the claimant or other person has first received ten clear days' notice of the intention to determine his claim or right. See R.S.O. 1927, c. 335, s. 11. Judge may determine claims of encumbrancer, etc.

14. Where part only of the lot or parcel of land of the owner is required the judge shall include in the compensation the amount which will in his opinion compensate the owner for any damage directly resulting from severance. See R.S.O. 1927, c. 335, s. 12. Damages caused by severance.

15.—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county court but the board shall in that case pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment and such costs shall be ascertained in a summary way by the judge. See R.S.O. 1927, c. 335, s. 13 (1). Right of desistment.

(2) The right of desistment shall not be exercised more than once. R.S.O. 1927, c. 335, s. 13 (2). Not to be exercised more than once.

16. The costs of the proceedings shall be in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. See R.S.O. 1927, c. 335, s. 14. Cost of arbitration.

17. If the amount determined by the judge and any cost awarded has been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and such order may be registered and shall confer upon the board a good title to the land taken. Vesting order.

18.—(1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid. R.S.O. 1927, c. 335, s. 18 (1). Compensation to be paid within thirty days.

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it Payment into court.

advisable the board may pay the sum awarded or any part thereof into the Supreme Court with six months' interest thereon. R.S.O. 1927, c. 335, s. 18 (2).

Compensation awarded to stand in the stead of land taken.

19. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land; and any claim to or incumbrance upon such land, or any part thereof, shall, as against the board, be converted into a claim to the compensation or to a like proportion thereof and it shall be responsible accordingly, whenever it has paid the compensation or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. R.S.O. 1927, c. 335, s. 19.

Compensation to be determined by official arbitrator.

Rev.Stat.,
c. 242.

20. In the case of a municipality for which an official arbitrator has been appointed under *The Municipal Arbitrations Act* the compensation to be paid to the owner shall be determined by the award of the official arbitrator instead of by the judge as hereinbefore provided, and the provisions of that Act shall *mutatis mutandis* apply.

Rev. Stat.,
c. 335,
repealed.

21. *The School Sites Act*, being chapter 335 of the Revised Statutes, 1927, is repealed.

Commencement of Act.

22. This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

NOTE: *This Act was brought into force by Proclamation of the Lieutenant-Governor dated the 14th day of May, 1928.*

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